

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 19CR386(PKC)  
Plaintiff, :  
-against- : United States Courthouse  
MUSTAFA GOKLU, : Brooklyn, New York  
Defendant. : Monday, October 3, 2022  
: 9:00 a.m.  
:

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TRANSCRIPT OF CRIMINAL CAUSE FOR PRETRIAL CONFERENCE  
BEFORE THE HONORABLE PAMELA K. CHEN  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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*Proceedings recorded by mechanical stenography, transcript  
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1 (In open court.)

2 (The Hon. PAMELA K. CHEN, presiding.)

3 (Defendant present.)

4 THE COURTROOM DEPUTY: Criminal cause for jury  
5 selection and trial, *United States versus Goklu*, docket  
6 19-cr-386.

7 Will the parties please state their appearances for  
8 the record, starting with the Government.

9 MS. KASSNER: Good morning, Your Honor. Gillian  
10 Kassner for the United States.

11 MS. DIOUF: Good morning, Your Honor. Marietou E.  
12 Diouf for the Government.

13 MR. NAVARRO: Good morning, Your Honor, Francisco  
14 Navarro and we're joined by Bridget Donovan, who is a  
15 paralegal specialist in our office.

16 THE COURT: Good morning to all of you.

17 MR. SINGER: For Mr. Goklu, Murray Singer. Good  
18 morning, Your Honor.

19 MS. SAHLI: Emilee Sahli also for defendant. Good  
20 morning, Your Honor.

21 Special Agent Julian Herb from the Drug Enforcement  
22 Agency.

23 THE COURT: Good morning to you all.

24 So, folks, a couple of things before we get started.  
25 As you can see, I have a mask. I'm going to require the jury

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1 and the entire venire to wear a mask. I want you folks to be  
2 masked unless you are speaking. We are in a closed, confined  
3 environment for hours on end with a lot more people in our  
4 room than for usual proceedings. I want to be sure that we  
5 don't get any infections in the middle of the trial or losing  
6 any jurors because of needing to quarantine. Since this is a  
7 smaller group you can take them off, but I want to be sure  
8 that everyone has one and if you don't, we should have extras.

9 The jurors are all going to have masks given to them  
10 and they'll be told by the Jury Department that they will be  
11 required to wear them during the trial and I will tell them  
12 that as well and tell them why. I will also say that the  
13 lawyers will be able to unmask while they're speaking during  
14 the trial. I am also concerned about the number of people  
15 we're going to have in here.

16 Mr. Singer, did you want to say something?

17 MR. SINGER: Just in terms of when we're speaking I  
18 noticed the small podium in front of the jury box. Have a  
19 preference or a direction as to where we should be?

20 THE COURT: That is for opening statements, the  
21 smaller one, and the larger one is to do your questioning as  
22 before. It's pretty much the same as pre-COVID.

23 So, there are a few preliminary matters I want to  
24 address. A couple relate to voir dire. The Government's  
25 proposed voir dire questions 12 G and H are about the dark

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1 web. The defense has objected to those questions because they  
2 maintain that this case doesn't involve any transactions on  
3 the dark web. But I don't know if there are any  
4 communications via the dark web or if there's any relevance to  
5 that.

6 So let me ask the Government, why do you want me to  
7 ask questions about the dark web?

8 MS. KASSNER: Your Honor, I don't expect the dark  
9 web to come up very much during the course of the trial. I do  
10 think the Government and the defense have a bit of a dispute  
11 about whether it should be mentioned as all. There are no  
12 communications that were made through any avenue associated  
13 with the dark web, but what the Government does plan to ask is  
14 the undercover agent, if asked, what was your cover story when  
15 you were dealing with the defendant, will answer, I was posing  
16 as a dark web narcotics dealer and there would only be one or  
17 two questions after that. They would be along the lines of  
18 why did you -- what is a dark web narcotics dealer and why did  
19 you decide to be a dark web dealer versus a street dealer.

20 And the reason for that is the undercover agent was  
21 taking Bitcoin and exchanging it into cash. I don't think the  
22 jury will understand why a drug dealer would be paid in  
23 Bitcoin without that additional context because street dealers  
24 are paid in cash. Dark web dealers are almost always paid in  
25 crypto currency and they need it converted into cash to pay

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1 their suppliers and other people associated with the business.

2 THE COURT: And will that be part of the narrative  
3 told by the Government? In other words, his cover to the  
4 defense was I operate on the dark web, I get paid in Bitcoin  
5 or, therefore, I get paid in Bitcoin.

6 MS. KASSNER: So, in the recording he never uses the  
7 word dark web, but he says, I have an online business. He  
8 says I get paid in Bitcoin and convert it into cash as soon as  
9 possible. What I think the Government is expected to ask is  
10 really no more than that particular question, but just to  
11 explain that it's outside a layman's understanding of how  
12 narcotics are sold.

13 THE COURT: If someone says, yes, I know about the  
14 dark web, what exactly would be either disqualifying or  
15 relevant to you folks? I mean, it doesn't seem to me to be  
16 particularly relevant to the case and I don't want to suggest  
17 that the defendant was operating on the dark web even through  
18 the questioning.

19 Mr. Singer?

20 MR. SINGER: Can I weigh in?

21 THE COURT: Absolutely. Before you do. The person  
22 sitting up with me is our newest judge, Nina Morrison, and she  
23 wanted to observe a trial. So she will be here with us part  
24 of today and at some other parts of the trial in case you see  
25 her.

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1 Mr. Singer.

2 MR. SINGER: Welcome.

3 JUDGE MORRISON: Thank you.

4 MR. SINGER: There is no evidence of any  
5 communication by Mr. Goklu on the dark web. There's no  
6 evidence of any kind that Mr. Goklu knows what the dark web is  
7 or has dealt with it in any way. It is not a relevant  
8 consideration here and it is used to dirty up this whole  
9 transaction or there's no any evidence to suggest that  
10 Mr. Goklu knows what to make of the dark web or that he  
11 understands what it means that the undercover is saying I  
12 operated an online business.

13 How is this at all relevant to anything in the case?

14 THE COURT: Consider this: If the Government asked  
15 a couple of questions of the undercover about what his cover  
16 story was and he said I said I was selling drugs via the dark  
17 web online.

18 MR. SINGER: He didn't.

19 THE COURT: He never said that to Mr. Goklu?

20 MR. SINGER: No, there's no communication with  
21 Mr. Goklu about it.

22 THE COURT: It's part of the setup regarding the  
23 investigation.

24 Was he actually operating on the dark web? Has the  
25 undercover ever gone to the dark web to try to purportedly

1 sell drugs?

2 MS. KASSNER: So I think there are two separate  
3 questions. This agent has experience with the dark web, but  
4 for the purposes of this case there are no real drugs. So,  
5 no, he never purchased drugs on the dark web in connection  
6 with his dealings with Mr. Goklu, but what he -- what he would  
7 say is that his cover story was that he sold drugs online and  
8 was paid in Bitcoin and had to convert it to cash. That's  
9 what he told the defendant.

10 THE COURT: I thought you were going to ask him  
11 something about the dark web.

12 MS. KASSNER: I would ask what was your cover story  
13 when you were dealing with the defendant, what role were you  
14 playing and he will say I was a dark web narcotics dealer, but  
15 he didn't say the word dark web. What he said was I sell my  
16 product online and I'm paid in Bitcoin and convert it to cash.

17 So I think the point here is for voir dire, we don't  
18 need to ask about it. I don't think there's a dispute that  
19 striking those questions is fine, but while we're on the  
20 subject I wanted to make sure that Your Honor would allow the  
21 Government to ask those very few probing questions just to  
22 give the jury background about what the undercover agent's  
23 role was when dealing with the defendant.

24 THE COURT: I'm glad you asked that because that was  
25 my concern is that you raised a different issue.

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1           What I was going to say to you Mr. Singer, if there  
2 is a reference to the dark web it's in your interest to ferret  
3 out anyone who has negative connotations about the dark web  
4 because it suggests illegality or nefariousness or wanting to  
5 conceal one's identity.

6           MR. SINGER: Exactly, which is why it has no place  
7 in voir dire or any testimony.

8           THE COURT: Well, now we're on a different issue.

9           MR. SINGER: That's an issue that I wanted to raise  
10 with Your Honor this morning because there is -- if the  
11 undercover is, I guess, intending to say that his cover story  
12 is that he was operating on the dark web, gee, that's nice,  
13 but he never communicated that to Mr. Goklu and so it's not  
14 part of the case.

15           THE COURT: I do not think the Government should be  
16 referencing it unless it was actually said to Mr. Goklu. It  
17 does create this aura of illegality or trying to operate  
18 without being depicted. That wasn't communicated to  
19 Mr. Goklu.

20           What's relevant here is his knowledge or intent to  
21 conceal the source or the location of the funds for purposes  
22 of the money laundering. So I'm glad this came up, albeit I  
23 wish it had come up in a motion in limine, but I'm glad it  
24 came up before trial. The Government shouldn't elicit that if  
25 it wasn't said to the defendant. You can say, yes, I told him



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1 I was doing online drug dealing, but just avoid any references  
2 to this the dark web unless it was specifically said to him.

3 MS. KASSNER: I understand your ruling. I just want  
4 to clarify one thing; without using the term dark web, I think  
5 our first witness is going to be a cryptocurrency expert and  
6 we plan to ask her questions -- she's a DEA agent -- in your  
7 training and experience are you familiar with instances where  
8 a narcotics dealer is paid in Bitcoin and needs to convert it  
9 into cash. We can -- we can instruct her she should not use  
10 the word dark web, but is she permitted to say it happens when  
11 they sell online because that word does show up in the  
12 recordings where he said my business is online.

13 THE COURT: No, I think that's all fine.

14 MS. KASSNER: Okay.

15 THE COURT: And I would again avoid using the word  
16 dark web.

17 MS. KASSNER: Understood, Your Honor.

18 THE COURT: Since that never was communicated to  
19 Mr. Goklu.

20 MS. KASSNER: Yes, Your Honor.

21 THE COURT: Drug dealing no matter how you do it is  
22 still illegal, so it doesn't seem necessary to guild that  
23 lilly.

24 So we've resolved the issue about voir dire. I will  
25 not ask proposed questions 12 G and H about the dark web. I

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1 want to confirm for purposes of advising the venire about the  
2 length of the trial. Is four days enough? Because that would  
3 take us to Friday, so the question comes up should I say  
4 potentially five which would take us to Monday.

5 MR. SINGER: Tuesday. Monday is a holiday.

6 THE COURT: Tuesday.

7 MS. KASSNER: I'm always hesitant to promise but I  
8 expect we'll be done on Friday.

9 THE COURT: When you say done --

10 MS. KASSNER: So the Government will certainly rest  
11 by Friday.

12 THE COURT: That's a different story.

13 MS. KASSNER: Okay.

14 THE COURT: Because obviously they have to  
15 deliberate. I want to overestimate because you never want a  
16 jury to think the trial will be over. I will say four or five  
17 days potentially to Tuesday because we're not sitting on  
18 Wednesday.

19 MR. SINGER: Wednesday or Monday.

20 THE COURT: Right. Exactly. I'm confirming that  
21 the Government now has decided not to redact portions of  
22 Government Exhibits 801, 804, 806 and 807 and 809. That's  
23 correct, right?

24 MR. SINGER: Judge, I think what you're referring to  
25 is portions from hello to goodbye that the Government had

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1 indicated that they may seek to redact and they had indicated  
2 that they are not seeking to redact any of the portions within  
3 from hello to goodbye.

4 THE COURT: That was much longer an explanation than  
5 necessary. I was just confirming the Government's letter.

6 MS. KASSNER: Yes, Your Honor. There will be no  
7 redactions in the communication between the undercover agent  
8 and the defendant.

9 THE COURT: And obviously some of the side  
10 conversations will be redacted as we previously discussed.

11 MS. KASSNER: Yes, Your Honor.

12 THE COURT: That is what you mean by hello to  
13 goodbye, Mr. Singer?

14 MR. SINGER: Yes.

15 THE COURT: One last thing is this limiting  
16 instruction. So we can deal with this after we pick the jury,  
17 but I did want to let you know that I believe the defense is  
18 correct on this, unless you're going to tell me that these  
19 other conversations, meaning conversations with people other  
20 than the undercover with the defendant did specifically  
21 reference or suggest concealment or an intent to conceal the  
22 source, location, et cetera, of the proceeds.

23 MS. KASSNER: Yes, Your Honor. We do believe that  
24 some of these other communications do reference detection by  
25 the NYPD, you know, washing money, things that we believe are

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1 properly considered for the money laundering count as well.

2 THE COURT: Let's take this up after we pick the  
3 jury, so I can hear more specifics.

4 MR. SINGER: Judge I have other issues I want to  
5 raise and we can do it after jury selection.

6 THE COURT: Give me some idea of what they are while  
7 he's calling for them.

8 MR. SINGER: There is a portion of the statement  
9 that Mr. Goklu is said to have made on the day that he was  
10 arrested. The Government indicated that there are portions  
11 from the 302 of the interview of Mr. Goklu after he was  
12 arrested on April 30th and there is one particular comment or  
13 statement by Mr. Goklu in there that I think should not be  
14 included that has to do with him -- the agents asking if they  
15 can go into his phone and Mr. Goklu saying no and taking the  
16 phone back. I think that's an exercise of his right to remain  
17 silent and not to be subject to a search and should not be  
18 used by the Government as suggesting anything about Mr. Goklu.

19 THE COURT: You mean consciousness of guilt? Is the  
20 Government intending to offer that statement where he says no,  
21 don't look into my phone?

22 MS. KASSNER: Not -- we spoke with defense counsel  
23 about this. We will not elicit that he consented to have a  
24 portion of his phone reviewed by law enforcement and did not  
25 offer such consent for the rest of his phone. We're not going

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1 to elicit that.

2 THE COURT: Didn't you say the opposite; that  
3 Mr. Goklu initially said no to letting them look into his  
4 phone and that's the part that they don't want to have  
5 introduced?

6 MR. SINGER: Judge, there's one line in the 302,  
7 Special Agent Liefke asked if he could look through the app of  
8 the other conversations that Goklu was having with other  
9 people. Goklu said no and took the phone back.

10 MS. KASSNER: We won't --

11 MR. SINGER: I believe that's a portion that was not  
12 properly elicited from the agent.

13 MS. KASSNER: We will not elicit that, Your Honor.

14 THE COURT: So this is a nonissue. Next?

15 MS. KASSNER: We have a stipulation and waiver of  
16 jury trial as to forfeiture, which has been signed by all the  
17 parties. Whenever Your Honor would like it, it's ready.

18 THE COURT: He's stipulating to forfeit even  
19 before --

20 MR. SINGER: No. If there is a determination of  
21 guilt, that the issue of forfeiture would be left to the Court  
22 and not for the jury to decide.

23 THE COURT: That is a sentencing issue. It's not  
24 decided by the jury. Has it ever been decided by the jury?

25 MS. KASSNER: Your Honor, it almost never is, but it

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1 is a right of the defendant to have, in certain circumstances,  
2 forfeiture heard before the jury. So he would be waiving that  
3 right.

4 THE COURT: And he did?

5 MS. KASSNER: I have the signed stipulation which I  
6 can hand up to Your Honor.

7 (Counsel approaches.)

8 THE COURT: What are the circumstances where a  
9 defendant has the right to have a jury decide forfeiture?

10 MS. KASSNER: Your Honor, I think under most  
11 statutes, it's a right of a defendant to have the issue heard  
12 by a jury. It's just almost always that it's stipulated but I  
13 believe in almost -- it's certainly for the charges here.

14 MR. NAVARRO: Your Honor, this was surprising to me  
15 as well. I am happy to talk to our forfeiture people and get  
16 details on it, but this is unusual for us as well. But this  
17 is what we're being told is the procedure from our forfeiture  
18 folks.

19 THE COURT: You learn something new every day. I'm  
20 thinking back to all of the other cases that involved  
21 financial crimes and wondering if there's something defective  
22 with them. But that's for another day.

23 Anything else, Mr. Singer?

24 MR. SINGER: There's an issue concerning the form in  
25 which the redacted recordings are being introduced. The Court

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1 had indicated and certainly the Government agrees that the  
2 recordings, both before the undercover officer met with  
3 Mr. Goklu and after he left Mr. Goklu are to be redacted.

4           What the Government has done with those recordings  
5 is they left the recording intact and simply created empty  
6 space on the recording. So, one recording may be blank for  
7 ten minutes and then the conversation starts. It's the  
8 equivalent of putting in a document with just a bunch of  
9 things blacked out and we think that that simply opens up the  
10 issue for speculation by the jury. It's something that can  
11 easily be done by simply creating a recording from start to  
12 finish without the dead space. We would request that it be  
13 done that way so it doesn't open up this question for the  
14 jury.

15           THE COURT: I think that's fair. Why didn't you  
16 folks do that?

17           MS. KASSNER: Your Honor, this is really for  
18 practical reasons. We expect if we are moving quickly, we  
19 would be putting on Special Agent O'Kain today. All of our  
20 timestamps that we are going to be referencing are with  
21 respect to the exhibits as they existed when we first reviewed  
22 them with him. And so, we just suggest that in order for the  
23 timestamps -- there are quite a few timestamps. It's just  
24 easier to do it this way. I don't think there's really any  
25 prejudice.

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1 THE COURT: I am happy to give a cautionary  
2 instruction that there are portions where redactions are made  
3 based on rulings that I made and don't infer anything from  
4 those gaps. You're going to have that issue come up anyway,  
5 Mr. Singer, just in terms of the jumps in the time and the  
6 time should be accurate for purposes of the record.

7 MR. SINGER: Could you add to that that they are  
8 portions that did not involve any communications with  
9 Mr. Goklu?

10 THE COURT: Or I could just say I decided were not  
11 relevant to the case.

12 Does that satisfy everybody?

13 MS. KASSNER: Either way, Your Honor.

14 MR. SINGER: We understand that, but the jurors  
15 don't.

16 THE COURT: Is it accurate to say that it didn't  
17 involve conversations with Mr. Goklu?

18 MS. KASSNER: Yes, Your Honor.

19 THE COURT: I can say that as well. That's fine.  
20 When we get to that point perhaps I'll discuss the exact  
21 language -- I will have my law clerk draft something quickly  
22 so we can all literally be on the same page.

23 Anything else?

24 MR. SINGER: Another matter that I think is simply  
25 confusing or creating a potential for confusion with the jury.



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1 As I've made clear in our pretrial conference, the entirety of  
2 the recording viewed all together is important to understand  
3 Mr. Goklu's knowledge or intention and the Government -- we  
4 have agreed with the Government to the transcripts to be given  
5 to the jury to follow along with the recordings.

6 And I believe what the Government is going to seek  
7 to do, and it's certainly their right, is to play certain  
8 limited portions of the recordings with the agent on the  
9 stand, but what we're doing is creating a separate, I  
10 believe -- I haven't received them, but I believe they're  
11 creating a second binder with a transcript of only those  
12 portions that they're playing. So then we end up with two  
13 different transcripts where it's really just a portion of the  
14 entire transcript that is easier and less confusing for the  
15 jury if the Government simply says, we're playing this  
16 portion, it starts on page nine and goes to page 11 and you  
17 can follow along in your binder; rather than creating a  
18 separate binder that they're giving to the jury because then  
19 if I'm going to cross-examine and try and expand upon what  
20 they put in, then it's a matter of providing them with a  
21 separate binder and they may not know that it's the same  
22 thing.

23 THE COURT: Go ahead.

24 MS. KASSNER: Yes, Your Honor. We tried our best to  
25 think ahead of all of these potential inconveniences what the

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1 Government's concern is if you give a full transcript, the  
2 jury is going to read in between the lines and read it  
3 through. What we have done -- we have provided a copy of the  
4 shorter, condensed transcripts. We provided it yesterday so  
5 they could see everything we plan to play with our undercover  
6 agent.

7 We have a binder. The first part is the condensed  
8 transcripts that we plan to play and the second half of the  
9 binder is the full transcript and it's very clear that they  
10 have the same numbers and so if on cross the defense wants to  
11 say, well, this is the part you didn't play. I think it will  
12 be quite clear and convenient look at the full transcript in  
13 your binder, this is what you didn't play.

14 THE COURT: It sounds pretty reasonable to me.  
15 Mr. Singer, I think the Government quite rightly has the  
16 excerpts, if you will, in the first part of the binder because  
17 that's all the jury should be focusing on. These are just  
18 aids to the jury and I don't want them reading other things  
19 while the audio is being played. So it's quite reasonable and  
20 I think it's clearer to have them focus and get only those  
21 portions of the audio that are being played at that time.

22 But the Government, it sounds like, has provided a  
23 second half of the binder that you can use to refer them to  
24 other portions that you intend to play. Nobody should be  
25 using the binders unless audio is being played. Let's confine

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1 the transcripts to the audio being played. You can figure it  
2 out but it seems the Government has come up with a perfectly  
3 reasonable solution.

4 MR. SINGER: One other issue, Your Honor, when we  
5 were here for the pretrial conference, there was a discussion  
6 about whether the agent who took Mr. Goklu's phone and  
7 questioned him had prepared any -- had gotten a written  
8 consent to search --

9 THE COURT: Can we table this for the moment? We  
10 have our jury here. You're all going to be getting a list of  
11 the jurors -- potential jurors names.

12 One other note, Mr. Goklu has not used our  
13 interpreter. We will need to get our interpreter sworn in so  
14 we will take care of that.

15 THE COURTROOM DEPUTY: Raise your right hand.

16 (Interpreter sworn.)

17 THE COURTROOM DEPUTY: Please state your names.

18 THE INTERPRETER: Seyhan Sirtalan

19 THE INTERPRETER: George Esayan.

20 THE COURT: Thank you. Have a seat everyone. I  
21 want to observe for the record that thus far, Mr. Goklu has  
22 not been, as far as I can tell, been using the interpreters.  
23 Have you been interpreting all of this time.

24 MS. SIRTALAN: We were instructed to be on standby  
25 and whenever he needs he puts the ear piece on.

## Jury Selection

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1 THE COURT: I want to confirm that that is correct,  
2 Mr. Singer.

3 Mr. Goklu has opted to use the translators on a  
4 standby basis?

5 MR. SINGER: That's true.

6 THE COURT: And we have two standby interpreters for  
7 that purpose.

8 (Potential jurors enter.)

9 THE COURT: Have a seat, everyone. Good morning  
10 ladies and gentlemen, my name is Pamela Chen and I am the  
11 judge who will be presiding over trial for which you have been  
12 summoned. I would also like to introduce Nina Morrison. She  
13 is our newest district court judge and she will be here today  
14 observing.

15 You are here today because we are about to  
16 select a jury to serve in a criminal case. Thank you for your  
17 presence here today. The contribution that each of you makes  
18 of your time and effort is important to the success of the  
19 judicial system. Your service as jurors is appreciated by the  
20 court and the individuals who are litigating this case here  
21 today.

22 One note before we begin, as we transition out of  
23 the pandemic, the courthouse has eliminated certain  
24 COVID-related requirements, such as mask-wearing and social  
25 distancing. So, while you are in the public areas in the

## Jury Selection

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1 courthouse, such as the lobby, hallways, and bathrooms, you  
2 are not required to wear a mask or maintain a particular  
3 distance from others. But judges still retain the authority  
4 to require these precautions in our courtrooms and during  
5 proceedings such as trial and jury selection. Because this  
6 jury selection will take some time, during which we will all  
7 be confined to this courtroom in close proximity to one  
8 another, I am requiring everyone to wear a mask, so as to  
9 minimize the risk of COVID infection. Masks will be required  
10 during the trial as well, except that the lawyers and  
11 witnesses will be permitted to unmask when speaking or  
12 presenting evidence.

13 so you will see some of the lawyers unmask today  
14 especially during continuity deductions when I introduce each  
15 of them and ask if any of you know them. It's easier to  
16 recognize someone if they remove their mask.

17 Now, turning to the trial in this case. *The trial*  
18 *is expected to about four or five days, so the rest of this*  
19 *week, but we will not be sitting this Wednesday, because of*  
20 *Yom Kippur.* Although this may be a burden, it is important  
21 that you make every effort to accept and perform the  
22 responsibility of a juror. It is both a responsibility and an  
23 honor to participate in the judicial system. All of us who  
24 participate are keenly aware of the importance of an  
25 impartial, fair and just trial.

## Jury Selection

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1 As part of the voir dire process, you will be asked  
2 questions to determine whether you can render a fair and  
3 impartial verdict. Please accept the questioning process in  
4 the spirit of its objective. The purpose of voir dire is not  
5 to embarrass any of you but rather to ensure fairness and  
6 impartiality to both sides. At times this will be tedious. I  
7 ask you to bear with me. As I'm sure you can all appreciate  
8 our task today is an important one. If in the course of the  
9 questioning process you think that because of some experience  
10 you've had in your life or because of something you've read or  
11 heard, you cannot be fair and impartial; that is, you would be  
12 inclined towards one side or the other, you must tell me. It  
13 is your duty to do so. This is not unusual and there is no  
14 reason to be upset that you cannot serve on any particular  
15 jury. There may be another matter for which you can serve on  
16 the jury and we can send you back to the Jury Department and  
17 see if you can is it on another trial.

18 On the other hand, again, as I'm sure you all  
19 appreciate our system of justice only works if all citizens  
20 are prepared to perform jury duty when they can do so fairly  
21 and impartially.

22 I would not expect any of you to avoid this duty but  
23 for the most important reasons. Now, quite apart from whether  
24 I excuse some or all of you, the lawyers for both sides are  
25 entitled to exercise a certain number of peremptory challenges

## Jury Selection

23

1 which means that they may strike some of you for no reason  
2 whatsoever. If that happens, no affront is intended and you  
3 should not be offended in any way. Again, you will be excused  
4 and sent back to the jury room to see if there's another trial  
5 that you can serve on the jury for.

6 Let me close by thanking you again for your presence  
7 here today and your willingness to serve as jurors and by  
8 assuring you that all of us in the courthouse are taking and  
9 will continue to take every precaution to ensure your safety  
10 during your service. Your safety as well as moving the trial  
11 along expeditiously are my highest priorities.

12 A final reminder that you must wear your face mask  
13 at all times while in the courtroom. All of us who work in  
14 the courthouse or at least in this courtroom have to do the  
15 same. I know this can be difficult but I believe that this  
16 precaution is necessary for all of our safety and your  
17 cooperation is greatly appreciated. Because the answers you  
18 must give have to be under oath, our deputy will administer  
19 the oath to all of you so please rise and raise your right  
20 hand.

21 (Potential jurors sworn.)

22 THE COURT: Have a seat, everyone. So the first  
23 question I ask or the first thing we need to do rather is to  
24 have 32 called up. So the first 32 individuals whose names  
25 and numbers are called we're going to ask you to start filling

## Jury Selection

24

1 in this jury box to my left and we'll move to the front row  
2 there. We'll need to have those folks move to chairs over  
3 here.

4 I was just advised by the deputy that we have the  
5 first 32 seated on what is my left over here. So, the  
6 important thing is that even though I'm focusing on these  
7 first 32 individuals, it is possible that during the course of  
8 questioning some of you will be required to fill in or replace  
9 those who are excused. So everyone should pay attention to  
10 all the questions that I ask and if one of you is called to  
11 fill in, the first question I will ask you is whether you had  
12 a positive response to anything that I've asked you so far.  
13 So I need you all to focus on the questions even though we're  
14 going to focus first on the 32 individuals on this said.

15 THE COURTROOM DEPUTY: Juror No. 1, Marcia Donaldson  
16 Juror 2, Kathleen Fischer. Juror 3, Yashika Dawkins. Juror  
17 4, Amy Durante. Juror 5, Michael Okane. Juror 6, Melissa  
18 Osorio Chimal. Juror 7, Gerard Discala. I apologize if I  
19 mispronounce any name. Juror No. 8, Lloyd Price. Juror No.  
20 9, Veronica Ramos. Juror 10, Joseph Hess. Juror 11, Karen  
21 Ferrer. Juror 12, Neil Roopnauth. Juror No. 13, Francis  
22 Dean. Juror No. 14, Dana Nzirubusa. Juror No. 15, Alynn  
23 Parola. Juror No. 16, Loren Mattina. Juror 17, Evelyn Yopez.  
24 Juror No. 18, Maria Cipriano. Juror No. 19, Joseph Duran.  
25 Juror No. 20, Sonnja Williams. Juror No. 21, Vanessa



## Jury Selection

25

1 Nardulli. Juror 22, Amana Faison. Juror 23, Arthur Thomas.  
2 Juror 24, Ethan Ries. Juror 25, Walter Chesaniuk. Juror No.  
3 26, Elizabeth Chang. Juror 27, Valerie James. Juror 28, Adam  
4 Chu. Juror No. 29, Joann Kirk. Juror 30, Kevin Donovan.  
5 Juror 31, Harold Gonzalez. Juror No. 32, Kevin Cheng.

6 THE COURT: Thank you very much, Ryan.

7 So, ladies and gentlemen, this case comes before the  
8 Court by way of an indictment. The indictment is captioned  
9 *United States against Mustafa Goklu* and it charges the  
10 defendant, Mr. Goklu, with engaging in money laundering and  
11 operating an and unlicensed money-transmitting business. The  
12 defendant has pleaded not guilty to these charges and has thus  
13 raised issues of fact to be determined by the jury.

14 The indictment merely contains allegations. The  
15 indictment is not evidence itself and you may not consider it  
16 as evidence. It simply contains the charges that the  
17 Government is required to prove to the satisfaction of the  
18 jury beyond a reasonable doubt. You must not think of the  
19 indictment as any evidence of the guilt of the defendant or  
20 draw any conclusions about the guilt of the defendant just  
21 because he's been indicted.

22 Before we begin the questioning process, let me  
23 advise you that if there is any answer that you would prefer  
24 not to give in open court you merely need to indicate private  
25 please or request a sidebar.

## Jury Selection

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1 First question: Has anyone heard or read anything  
2 about this case, again focusing on the first 32 here?

3 Seeing no show of hands, let me introduce the  
4 parties and their attorneys in this case. The Government is  
5 represented by Assistant United States Attorneys Gillian  
6 Kassner, Marietou Diouf, Francisco J. Navarro and they are  
7 being assisted by paralegal specialist Bridget Donovan of the  
8 U.S. Attorney's Office and Special Agent Julian Herr, from the  
9 Drug Enforcement Agency, or DEA.

10 The defendant, Mustafa Goklu, is represented by  
11 attorneys Murray Singer and Emilee Sahli.

12 You may be seated.

13 Does anyone recognize any of these individuals, the  
14 lawyers or the defendant or the agent or the paralegal? All  
15 right. Is there anyone who knows me, my staff, or at least  
16 the staff who are here today or anyone else who works in the  
17 courthouse?

18  
19 (Continued on the following page.)

20

21

22

23

24

25

## Preliminary Instructions

27

1 (Continuing.)

2 THE COURT: Is anyone familiar with any of the  
3 following individuals who maybe referenced or called as  
4 witnesses during the trial or any of the places or entities  
5 that maybe mentioned during the trial?

6 Patrick O'Kain, K-A-I-N, former DEA; Allan Liefke,  
7 L-I-E-F-K-E, former DEA; Special Agent Koffidige Degbe,  
8 K-O-F-F-I-D-I-G-E. D-E-G-B-E with the DEA, Special Agent  
9 Lilita Infante, L-I-L-I-T-A, Infante, with the DEA; Theodore  
10 Vlahakis, V-L-A-H-A-K-I-S, Compliance Officer with FinCEN,  
11 F-I-N-C-E-N; Robert Tarwacki, T-A-R-W-A-C-K-I, New York  
12 Department of Financial Services. And finally, in terms of  
13 people, Forensic IT Specialist Anthony Mosher, M-O-S-H-E-R,  
14 with the DEA.

15 Now, let me know if you're familiar with any of the  
16 locations that I'm about to list. 46-09 Queens Boulevard,  
17 Sunnyside, New York, 44-16 Queens Boulevard, Sunnyside, New  
18 York, 7th Avenue and 54th Street, New York, New York. And  
19 when I say, familiar, other than passing through there. Any  
20 particular familiarity.

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: And then, finally, 5th Avenue and 33rd  
23 Street, New York, New York.

24 Anyone spend a lot of time there?

25 THE PROSPECTIVE JUROR: No.

## Preliminary Instructions

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1 THE COURT: Now, let me remind you that it is the  
2 Government who has the burden of proof in any criminal case to  
3 establish the defendant's guilt beyond a reasonable doubt.  
4 Mr. Goklu is presumed to be innocent and is not required to  
5 prove that he is innocent. He need not call witnesses and  
6 need not take the stand.

7 If a defendant elects not to present any evidence,  
8 the jury cannot draw any adverse inference against the  
9 defendant based on that decision. This is a basic principle  
10 of our criminal justice system.

11 Would any of you have difficulty following my  
12 instruction in that regard?

13 So I see no show of hands.

14 Your role, if you are selected as a juror in this  
15 criminal case is to hear evidence and decide the facts. That  
16 is, to decide what happened. I do not have any role to play  
17 in your determination of the facts. My role will be to  
18 instruct you on the applicable law. You will apply the facts  
19 as you find them to the law as I instruct you and your  
20 conclusion will be your verdict. You must apply the law as I  
21 state it regardless of any opinion you may have personally to  
22 what the law is or what the law should be.

23 Would anyone have any difficulty following those  
24 instructions?

25 THE PROSPECTIVE JUROR: No.

## Preliminary Instructions

29

1 THE COURT: Okay. If you're selected as a juror,  
2 you will not be permitted to read or listen to any news or do  
3 any internet research about this case or about the defendant  
4 or anyone else mentioned in the case while serving as a juror.

5 Is there anyone who would be unable to follow that  
6 instruction?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: The right to a jury trial is critically  
9 important to both the accused and the Government. If selected  
10 as a juror for this trial, is there anyone who would either  
11 favor -- either blame the Government or the defendant for  
12 having to sit on a jury during the COVID pandemic?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Blame the Government or the defendant  
15 for having to sit through the pandemic and wear these masks?

16 It is important that jurors take their obligations  
17 seriously and do not rush for a verdict for one side or the  
18 other.

19 Is there anyone who would feel pressure to return a  
20 verdict quickly and not fully deliberate due to the COVID  
21 pandemic?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: Okay. This case is a result of an  
24 investigation by the Drug Enforcement Administration or DEA  
25 and the United States Attorney's Office for the Eastern

Preliminary Instructions

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1 District of New York, which is part of the United States  
2 Department of Justice.

3 Does anyone have any basis, prejudice, or other  
4 feelings for or against the United States Department of  
5 Justice, the United States Attorney's Office, the Drug  
6 Enforcement Administration or DEA, the New York City Police  
7 Department or any other law enforcement agency; positive or  
8 negative?

9 Juror Number 4, Ms. Durante, right?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Do you have feelings for or against any  
12 of those entities?

13 THE PROSPECTIVE JUROR: For.

14 THE COURT: Okay. Let's have a sidebar with you.  
15 We're going to go over here.

16 (Sidebar)

17 THE COURT: So you said for.

18 THE PROSPECTIVE JUROR: My husband is an NYPD  
19 Detective.

20 THE COURT: Where is he --

21 THE PROSPECTIVE JUROR: He's in the 62 Squad in  
22 Brooklyn.

23 THE COURT: How long?

24 THE PROSPECTIVE JUROR: He's been a Detective for  
25 about two years now and he is six or seven years on.

Preliminary Instructions

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1 THE COURT: Okay. Because of his job, you have  
2 positive feelings about?

3 THE PROSPECTIVE JUROR: The law enforcement and all  
4 of that part.

5 THE COURT: Okay. Can you still be objective and  
6 fair and impartial with respect to a criminal matter that is  
7 investigated and brought by law enforcement?

8 THE PROSPECTIVE JUROR: Yes. Yes.

9 THE COURT: Okay. You hesitated a bit.

10 THE PROSPECTIVE JUROR: Yeah. I mean, because of  
11 what he does and what I see every day, it is a little bit  
12 difficult, so...

13 THE COURT: You'll be instructed, if you are picked  
14 as a juror, that you must judge the testimony of any law  
15 enforcement agent the same you would as any other witness and  
16 weigh the credibility just as would any other witness?

17 Could you follow that instruction?

18 THE PROSPECTIVE JUROR: It would be difficult.

19 THE COURT: It would be difficult for you to find  
20 that a law enforcement agent wasn't testifying credibly?

21 THE PROSPECTIVE JUROR: No. I can understand that  
22 would be. I don't know. I'm way towards more than what they  
23 say.

24 THE COURT: Meaning law enforcement?

25 Just stand over there on the side.

Preliminary Instructions

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1 THE PROSPECTIVE JUROR: I'm sorry.

2 THE COURT: So do I have a motion?

3 MR. SINGER: To excuse her for cause.

4 THE COURT: Any objection?

5 MR. NAVARRO: No objection.

6 (Sidebar ended)

7 THE COURT: So we are going to have you go back to  
8 the jury department and tell them that you are excused from  
9 this case, but there could be another trial that you could sit  
10 for.

11 Thank you.

12 Replacing Juror Number 4.

13 THE COURTROOM DEPUTY: Juror 33, Simiao Chen.

14 THE COURT: Okay. So Ms. Chen, if you could  
15 approach the jury box.

16 Did you have any positive responses?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: No. Okay. Come forward.

19 Juror Number 5, you had your hand up. Hold on.

20 Let's wait until Juror Number 4 gets in place.

21 Okay. So Juror Number 5, do you have any feelings  
22 about any of those law enforcement entities or any law  
23 enforcement agency?

24 THE PROSPECTIVE JUROR: I do.

25 THE COURT: Okay. Positive, negative?



Preliminary Instructions

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1 THE PROSPECTIVE JUROR: Positive.

2 THE COURT: All right. Why don't we have you come  
3 to the sidebar as well.

4 (Sidebar)

5 THE COURT: So tell me, Mr. Okane.

6 THE PROSPECTIVE JUROR: Yes. My son is a police  
7 officer. So I'm bias in favor of --

8 THE COURT: Now, could you be objective though about  
9 the testimony of law enforcement officers and weigh them just  
10 like you would any other witness?

11 THE PROSPECTIVE JUROR: I think honestly I'd lean  
12 towards law enforcement.

13 THE COURT: What's your --

14 THE PROSPECTIVE JUROR: Depending on how it is  
15 presented. But I want to bring another thing to your  
16 attention if I could.

17 THE COURT: Go ahead.

18 THE PROSPECTIVE JUROR: I take care of my mother  
19 every day, an elderly mother. A block away from my house, to  
20 make sure she takes her pills, put her patch on the arm after  
21 she takes a bath, because, you know, dementia. I just wanted  
22 to bring that up.

23 THE COURT: Do you work normally?

24 THE PROSPECTIVE JUROR: I work from home. I'm a  
25 project manager. I work from home.

Preliminary Instructions

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1 THE COURT: Who's taking care of your mother now?

2 THE PROSPECTIVE JUROR: My sister, but it would be  
3 difficult on a daily basis.

4 THE COURT: So let's go back to your son.

5 How long has he been with the NYPD?

6 THE PROSPECTIVE JUROR: He was with the correction  
7 officer about two years and with NYPD going about four or  
8 five.

9 THE COURT: And going back, again, do you think you  
10 cannot be fair and impartial with respect to this case simply  
11 because it's brought by law enforcement?

12 THE PROSPECTIVE JUROR: I don't know. I think the  
13 matter depends on the evidence.

14 THE COURT: It would depend on the evidence,  
15 correct.

16 THE PROSPECTIVE JUROR: I guess you could say that.

17 THE COURT: Okay. If you were told you have to  
18 consider all the evidence, weigh it objectively.

19 Could you do that?

20 THE PROSPECTIVE JUROR: I don't know. Again, I  
21 really don't know.

22 THE COURT: If law enforcement officers were  
23 testifying, do you think you would go into believing them  
24 automatically?

25 THE PROSPECTIVE JUROR: I don't know.

Preliminary Instructions

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1 THE COURT: Do you think --

2 THE PROSPECTIVE JUROR: I think it comes down to,  
3 you know, the way it's presented or I don't know how better to  
4 answer that.

5 THE COURT: Okay. So when you say the way it's  
6 presented, you would look at their testimony and decide if you  
7 believed it or not depending on their demeanor and all the  
8 other evidence.?

9 THE PROSPECTIVE JUROR: Sure.

10 THE COURT: You could do that?

11 THE PROSPECTIVE JUROR: I guess I could do that.

12 THE COURT: All right. With respect to your mother,  
13 do you have to be there all day or just in the morning to help  
14 her?

15 THE PROSPECTIVE JUROR: I have to be there between  
16 10:00 and 11:00.

17 THE COURT: Okay. And do you think your sister  
18 could handle that for this week, except for no Monday, and  
19 possibly next Tuesday?

20 THE PROSPECTIVE JUROR: I would have to check. I  
21 don't know.

22 THE COURT: Can I have you stand over there for one  
23 second.

24 THE PROSPECTIVE JUROR: Sure.

25 THE COURT: Any motions?

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1 MR. SINGER: I would like to excuse him for cause.

2 MR. NAVARRO: Your Honor, I think that it's very  
3 clear that he does not want to serve for multiple reasons.  
4 I'm not sure how much credence the Government places in the  
5 answers about law enforcement, but under the circumstances, we  
6 are early in the process. We would not impose the motion.

7 THE COURT: I'm going to let him go. He didn't  
8 really want to be here. On the other hand, he did suggest,  
9 although somewhat equivocally, he could be fair despite his  
10 son being with law enforcement. I'm going to let him go.

11 (Sidebar ends)

12 THE COURT: I'm sorry. We'll let you go back to the  
13 jury department as well. Let them know that you are excused  
14 for this trial, but there could be another one you can sit on  
15 instead. So go back to the same office where you came from.

16 THE PROSPECTIVE JUROR: Thank you.

17 THE COURT: Thank you very much.

18 Yeah. Let's go ahead and call the next one.

19 THE COURTROOM DEPUTY: Juror Number 34, Patrick  
20 Corbet.

21 THE COURT: So Mr. Corbet, as you approach the box,  
22 did you have any positive responses?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: All right. Please have a seat.

25 And Ladies and Gentlemen, it was pointed out to me

## Preliminary Instructions

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1 that when the defendant rose in response to my identification  
2 of all the parties, he didn't remove his mask. I think that  
3 would be helpful to the jury to make sure that no one knows  
4 him.

5 So Mr. Goklu, if you will stand again and just  
6 remove your mask this time. Okay. So that's the defendant,  
7 Mr. Goklu.

8 All right. Thank you very much. I appreciate that.  
9 He was following my instructions very strictly about the mask.  
10 So now that he has been unmasked, so to speak or you could see  
11 his full face, is there anyone who recognizes Mr. Goklu --

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Or believes that they know him?

14 PROSPECTIVE JURORS: No.

15 THE COURT: Okay. No.

16 Any other positive or negative responses?

17 THE PROSPECTIVE JUROR: Positive.

18 THE COURT: Yes. Why don't we have you come over to  
19 the sidebar as well.

20 (Sidebar)

21 THE COURT: Yes. Why do you have positive --

22 THE PROSPECTIVE JUROR: I'm positive towards law  
23 enforcement. I have multiple, five or six, family members  
24 that are police officers right now and one retired FBI agent.  
25 So when you said can you be fair, I don't think I can be fair.

Preliminary Instructions

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1 I'm always going to side with the law enforcement.

2 THE COURT: Even if you have to view the testimony  
3 of a law enforcement agent or officer just like you would any  
4 other witness, you don't think you could do that?

5 THE PROSPECTIVE JUROR: I don't think I could be  
6 that fair, no.

7 THE COURT: You don't think you could look at it  
8 objective?

9 THE PROSPECTIVE JUROR: I don't think I would be  
10 objective. Not speaking every day with my cousins who are  
11 police officer and hearing the stories that they tell. I  
12 just --

13 THE COURT: Okay. Thank you.

14 We're going to send you back to the jury department.

15 MR. SINGER: Yes. I would move to excuse him for  
16 cause.

17 And Judge, you didn't introduce or identify the  
18 interpreter. So I don't know if that was intentional or not.

19 THE COURT: Do you think that matters?

20 MR. SINGER: So the jury knows who these other  
21 people are sitting at the table.

22 THE COURT: Fair enough. I could that.

23 MR. SINGER: Okay. Thank you.

24 (Sidebar ends)

25 THE COURT: That was Juror Number 7, Mr. Discala.

Preliminary Instructions

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1 THE COURTROOM DEPUTY: Juror 35, Zhen Chen.

2 THE COURT: So wait a second. There are two Chens  
3 in the jury and then there's me. This never happened to me  
4 before and we are not related just in case anyone is  
5 wondering.

6 So folks, there are two other individuals that I  
7 failed to identify sitting at the defense table and they are  
8 interpreters in the Turkish language. We have Interpreter  
9 Sirtalan.

10 And then, I don't have your name, sir.

11 THE INTERPRETER: George Esayan.

12 THE COURT: So they are interpreters who are here  
13 interpreting. Okay. Have a seat.

14 Dos anyone think they know either of them?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Okay. Thank you very much.

17 All right. Any other positive responses to the  
18 questions about feelings about law enforcement?

19 Okay. So Juror Number -- what number are you, 28?

20 THE PROSPECTIVE JUROR: 28.

21 THE COURT: Juror Number 28, Mr. Chu.

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: What feelings do you have?

24 THE PROSPECTIVE JUROR: Positive.

25 THE COURT: All right. Do you want to come up here?

Preliminary Instructions

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1 THE PROSPECTIVE JUROR: Sure.

2 (Sidebar)

3 THE COURT: Why do you have positive views?

4 THE PROSPECTIVE JUROR: Well, a very good friend of  
5 mine is a NYPD officer or actually a captain that focuses on  
6 financial crimes.

7 THE COURT: And how long has he been there?

8 THE PROSPECTIVE JUROR: I think almost 20 years --  
9 18 or so.

10 THE COURT: Okay.

11 THE PROSPECTIVE JUROR: We've been friends since six  
12 growing up.

13 THE COURT: So this case is brought primarily by the  
14 DEA.

15 THE PROSPECTIVE JUROR: Okay.

16 THE COURT: Does that -- do you think that you can  
17 be fair and impartial in this case even though you have a  
18 friend that works in law enforcement?

19 THE PROSPECTIVE JUROR: I think so. I don't know.  
20 I just want to bring it out there.

21 THE COURT: No. I appreciate that.

22 So you are going to be instructed that if law  
23 enforcement officers testify that you have to view their  
24 evidence just like any other witness and judge their  
25 credibility the same you would any other witness.



Preliminary Instructions

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1 Can you do that?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: Okay. Can you -- even though your  
4 friend's a law enforcement officer, could you find that a law  
5 enforcement officer might not be telling the truth.

6 Do you think you can find that?

7 THE PROSPECTIVE JUROR: I think so. Yeah.

8 THE COURT: You're hesitating a little. Tell me.

9 THE PROSPECTIVE JUROR: A little bit. So there's  
10 some other ties to law enforcement that I think are positive.  
11 I'm just positive. I'm not sure how deep they run. That is  
12 what we are instructed to do.

13 THE COURT: Right.

14 THE PROSPECTIVE JUROR: My sister-in-law, my wife's  
15 sister was a victim of a homicide. And so, she was working  
16 for the NYPD at the time as well in the coroner's office, but  
17 you know, the NYPD basically, you know, took over our lives  
18 for a couple of weeks.

19 THE COURT: In a positive --

20 THE PROSPECTIVE JUROR: In a positive way. Helping  
21 her and the family. So I just have very, I think, strong  
22 ties. I'm not clear how deep they may run.

23 THE COURT: I understand.

24 THE PROSPECTIVE JUROR: But --

25 THE COURT: Does it make a difference its NYPD

Preliminary Instructions

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1 versus a federal agency in terms of your ability to be  
2 objective in this case?

3 THE PROSPECTIVE JUROR: That, I'm not sure. I  
4 wasn't, you know -- I think they're in many respects I view  
5 them performing the same tasks.

6 THE COURT: So you view them as interchangeable?

7 THE PROSPECTIVE JUROR: I understand that there are  
8 differences, but in many ways in terms of, you know, their  
9 members and their family.

10 THE COURT: All right. Let me have you just take  
11 one second and stand over by that wall.

12 THE PROSPECTIVE JUROR: Sure.

13 THE COURT: First of all, any other follow-up you  
14 want me to ask him?

15 It's a rare unusual set of circumstances.

16 MR. SINGER: If he said his friend, who is the  
17 captain works in financial crimes, whether there is any  
18 discussions?

19 THE COURT: Fair enough.

20 MS. KASSNER: I think the real and important  
21 question is, would he be able to set aside everything and view  
22 the law enforcement agents testimony and evaluate it one way  
23 or the other based on if the person --

24 THE COURT: Sir, if you can come back.

25 THE PROSPECTIVE JUROR: Sure.

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1 THE COURT: Mr. Chu.

2 THE PROSPECTIVE JUROR: Sure.

3 THE COURT: You mentioned that you have a close  
4 friend that does financial crimes, right?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: What exactly does he do?

7 THE PROSPECTIVE JUROR: He's a captain of a unit  
8 that works in Queens that works across the city and I think a  
9 lot of it is fraud.

10 THE COURT: Do you talk to him about his work?

11 THE PROSPECTIVE JUROR: Not in any great details.  
12 Any articles and things he might be in the paper, so only  
13 those.

14 THE COURT: Do you remember which ones you read and  
15 don't worry if you don't because I won't tell him?

16 THE PROSPECTIVE JUROR: No.

17 Most of them are pictures of him on the scene, not  
18 necessarily -- I think there was a Wells Fargo ATM thing  
19 something like that.

20 THE COURT: Do you feel that you acquired any  
21 knowledge about fraud or the kinds of crimes he investigated  
22 based on your conversations with him?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Do you think you can be fair and  
25 impartial in this case and put aside feelings that you have

Preliminary Instructions

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1 about law enforcement, which are largely positive --

2 THE PROSPECTIVE JUROR: Yeah.

3 THE COURT: -- in weighing objectively the evidence  
4 in this case and whether you find as a juror it proves the  
5 defendant's guilt or not beyond a reasonable doubt?

6 THE PROSPECTIVE JUROR: Yeah. I think I can try  
7 that yeah.

8 THE COURT: Okay. Do you feel pretty confident that  
9 you can do that?

10 THE PROSPECTIVE JUROR: I think I could. I'm not a  
11 terribly confident individual generally.

12 THE COURT: Okay. Maybe that was the wrong --

13 THE PROSPECTIVE JUROR: Yeah. Yeah. You know --

14 THE COURT: But you are going to hear testimony from  
15 law enforcement agents who get up there to swear to tell the  
16 truth.

17 Do you feel like you can be objective and fair and  
18 impartial about their testimony?

19 THE PROSPECTIVE JUROR: Sure.

20 THE COURT: These individuals, agents or officers,  
21 you can do that?

22 THE PROSPECTIVE JUROR: I think so.

23 THE COURT: Thank you very much.

24 Have a seat.

25 Okay. Any motion?

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1 MR. SINGER: No.

2 MS. KASSNER: No.

3 THE COURT: Okay. Thank you.

4 (Sidebar ends)

5 THE COURT: I think Juror Number 30, you also had a  
6 positive response.

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Why don't I have you come up here.

9 (Sidebar)

10 THE PROSPECTIVE JUROR: I work for New York City  
11 Parks. So most of my friends and people who I work with are  
12 Parks Police on a daily basis. My co-worker is a Sergeant.  
13 She got injured on the job. So right now she's doing a desk  
14 job. I interact with her.

15 THE COURT: Slow down a little bit.

16 THE PROSPECTIVE JUROR: I interact with her a lot.

17 THE COURT: You interact with her a lot?

18 THE PROSPECTIVE JUROR: Every day.

19 THE COURT: All right.

20 THE PROSPECTIVE JUROR: And I just generally have  
21 positive outlook towards police. They do a lot of like  
22 troublesome stuff and I feel for them.

23 THE COURT: Okay. So despite your positive feelings  
24 about the Park Police and the people you work with, could you  
25 be fair and objective in this case, which is obviously brought

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1 by law enforcement officers?

2 THE PROSPECTIVE JUROR: Well, I don't know honestly.  
3 But I do remember stuff about like when Bernie Madoff scandals  
4 and stuff like that. I had a friend that was affected by  
5 that, so I don't really know --

6 THE COURT: Right.

7 But remember as a juror, you'd be asked to consider  
8 just the evidence that's presented during that trial and the  
9 testimony you hear, some of it from law enforcement, and  
10 decide whether or not you think the Government has proved its  
11 case beyond a reasonable doubt.

12 Do you think you can do that?

13 THE PROSPECTIVE JUROR: I'm not sure.

14 THE COURT: Why do you say that?

15 THE PROSPECTIVE JUROR: Because I feel like my  
16 judgment might be affected by my life experiences. My  
17 interactions are mostly with law enforcement. Interactions  
18 with my friends that were affected by matters related to  
19 money.

20 THE COURT: So --

21 THE PROSPECTIVE JUROR: And I feel injustice about  
22 that. But I guess I will try my best, like I said.

23 THE COURT: Okay. You're certainly willing to try  
24 you're best, right?

25 THE PROSPECTIVE JUROR: Yes.

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1           THE COURT: So there will be law enforcement  
2 witnesses who take the stand and you are going to be told that  
3 you have to view their testimony just like you would any other  
4 witness and weigh its credibility like you would any other  
5 witness.

6           Can you do that? And put out of your mind any  
7 positive feelings you have had about law enforcement in  
8 general?

9           THE PROSPECTIVE JUROR: I mean, I don't know  
10 anything about this case, so I guess, like --

11          THE COURT: Okay. And that's something you think  
12 you can do?

13          THE PROSPECTIVE JUROR: Possibly.

14          THE COURT: And can you view their testimony against  
15 all the other evidence that's submitted during the trial and  
16 decide whether to believe it or not?

17          THE PROSPECTIVE JUROR: If it's presented in a  
18 neutral manner. Okay.

19          THE COURT: And can you put aside any feelings that  
20 you might have about your friends who lost money and just  
21 decide the facts in this case based on the evidence presented  
22 to you?

23          THE PROSPECTIVE JUROR: Well --

24          THE COURT: This is obviously not a Madoff scheme,  
25 right?

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1 THE PROSPECTIVE JUROR: Okay.

2 THE COURT: So can you put that out of your mind?

3 THE PROSPECTIVE JUROR: I believe so.

4 THE COURT: Okay. Do you feel confident about that?

5 THE PROSPECTIVE JUROR: Like I said, I'll try my  
6 best.

7 THE COURT: All right. Take a moment back there.

8 MR. SINGER: I would move to dismiss him for cause.

9 MR. NAVARRO: Your Honor, what is the grounds for  
10 the cause?

11 MR. SINGER: I don't believe that the Court has been  
12 given an unequivocal assurance that this witness would not be  
13 affected by his personal beliefs coming in.

14 THE COURT: Okay. I'm not going to strike him for  
15 cause. I'm going to let him sit.

16 Just for the record, he said he would try his best  
17 and seems sincere about that. And honestly, I'm a little  
18 concerned more about not serving and not. That's why I don't  
19 want to strike him. I think he can be objective at the end of  
20 the day. And this case is nothing like a Madoff scam, so I  
21 don't think that's even going to raise any issues to the  
22 extent that he generally feels aggrieved for them. Okay.  
23 Have a seat Mr. Chu.

24 (Sidebar ends)

25 THE COURT: Okay. All right. Next question, have



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1 you, a family member, or anyone close to you ever been the  
2 victim of a crime?

3 And just remember, of course you have the private  
4 option. Victim of a crime. Okay. So Juror Number -- first  
5 Juror Number 8, do you want answer this in open court?

6 THE PROSPECTIVE JUROR: I don't mind.

7 THE COURT: Okay. So let's give you the microphone.  
8 My only requirement is no singing unless you're really good,  
9 then you can sing.

10 Yes. Hold it close to your mask. There we go.

11 Okay. So tell me what happened.

12 THE PROSPECTIVE JUROR: I was shot.

13 THE COURT: You were shot and what?

14 THE PROSPECTIVE JUROR: Two summers in a row. Two  
15 incidents where I was shot.

16 THE COURT: You were shot on two separate occasions?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Oh, my. Okay. When was the first time?

19 THE PROSPECTIVE JUROR: The Summer of '94.

20 THE COURT: Okay. And where did that happen?

21 THE PROSPECTIVE JUROR: That was at White Castle on  
22 Berriman and Atlantic in Brooklyn.

23 THE COURT: What was the first street?

24 THE PROSPECTIVE JUROR: Berriman.

25 THE COURT: Berriman and Atlantic. So here in

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1 Brooklyn.

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: Okay. And the second time?

4 THE PROSPECTIVE JUROR: The second time was on  
5 South Oxford Street off of Atlantic.

6 THE COURT: Okay. And as a result of you being  
7 shot, was there any law enforcement response?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Okay.

10 THE PROSPECTIVE JUROR: Both times.

11 THE COURT: And was it the NYPD that responded?

12 THE PROSPECTIVE JUROR: Correct.

13 THE COURT: Okay. And how did you feel about the  
14 response?

15 THE PROSPECTIVE JUROR: I mean, they were doing  
16 their job. So I mean, there wasn't much they could do for me  
17 at the time but to help me get to the hospital.

18 THE COURT: And was there any prosecution that  
19 resulted?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Now, do you have any feelings positive  
22 or negative from that in terms of how law enforcement  
23 responded?

24 THE PROSPECTIVE JUROR: Not at all.

25 THE COURT: All right. And then, the second time.

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1 And I'm sorry there was a second time.

2 What happened that time? Was there a response?

3 THE PROSPECTIVE JUROR: What do you mean? As far as  
4 the police coming to the scene?

5 THE COURT: Yes.

6 THE PROSPECTIVE JUROR: Yes, they responded.

7 THE COURT: Okay. And that time, was there a  
8 prosecution that resulted?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: And again, did you feel negatively or  
11 positively about how law enforcement responded?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: So you are neither satisfied or  
14 dissatisfied?

15 THE PROSPECTIVE JUROR: Yeah. I'm just neutral.

16 THE COURT: Okay. All right. I'm glad you seemed  
17 to have recovered.

18 THE PROSPECTIVE JUROR: Yeah. I'm back.

19 THE COURT: Okay. All right. Anything else? I'm  
20 afraid to ask.

21 THE PROSPECTIVE JUROR: No, that's it.

22 THE COURT: That certainly seems enough.

23 Thank you very much.

24 THE PROSPECTIVE JUROR: Thank you.

25 THE COURT: All right. We had some hands back

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1 there, so we will grab the microphone. We only use the  
2 microphone, folks, because it is difficult to hear in a room  
3 this big with masks on especially. So I think it was in the  
4 last row.

5 THE COURTROOM DEPUTY: 21.

6 THE COURT: Okay.

7 THE PROSPECTIVE JUROR: I'm sorry. Can you please  
8 repeat the question?

9 THE COURT: Yes.

10 Have you, a family member, or someone close to you  
11 been a victim of a crime?

12 And you're Juror Number 21.

13 THE COURTROOM DEPUTY: Yes.

14 THE PROSPECTIVE JUROR: My mother's apartment was  
15 robbed.

16 THE COURT: And when did that happen?

17 THE PROSPECTIVE JUROR: Probably like ten years ago.

18 THE COURT: And where in the city or somewhere else?

19 THE PROSPECTIVE JUROR: In Brooklyn. She lives in  
20 Brooklyn.

21 THE COURT: Okay. And do you know if there was any  
22 law enforcement response?

23 THE PROSPECTIVE JUROR: Yes. She did file a report.  
24 A lot of missing jewelry, but nothing was recovered.

25 THE COURT: And no prosecution?

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1 THE PROSPECTIVE JUROR: No prosecution.

2 THE COURT: Do have any feelings about the law  
3 enforcement response in anyway?

4 THE PROSPECTIVE JUROR: Honestly, no. I was just  
5 upset that nothing ever got solved. And to this day, she  
6 feels it was a third floor tenant that robbed her, but they no  
7 longer live there. They were evicted, but they could never  
8 prove anything.

9 THE COURT: Okay. Is there anything about your  
10 mother's experience that would make it difficult for you to be  
11 fair and impartial in this case, which obviously involves a  
12 fair amount of law enforcement work presence?

13 THE PROSPECTIVE JUROR: I'm honestly not sure. This  
14 is my first time dealing with something like that. I  
15 honestly, I'm not sure.

16 THE COURT: Let's have you come up to the sidebar.  
17 And if you will hand the microphone to your next door neighbor  
18 there, that would be great.

19 (Sidebar)

20 THE COURT: So you expressed some reservations. How  
21 come?

22 THE PROSPECTIVE JUROR: I guess, it's just the way I  
23 was brought up. I'm very negative and I just -- I feel like  
24 more could have been done for my mother and it wasn't.

25 THE COURT: Okay.

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1 THE PROSPECTIVE JUROR: I have nothing more to say  
2 on it.

3 THE COURT: Okay. But as a result of this, do you  
4 have sort of more global or bigger impression either positive  
5 or negative about law enforcement?

6 THE PROSPECTIVE JUROR: I feel law enforcement -- I  
7 feel like everyone -- there's going to have good people and  
8 bad people.

9 THE COURT: Okay.

10 THE PROSPECTIVE JUROR: No matter, there's always  
11 going to be people in the system not doing the right thing and  
12 you just don't know.

13 THE COURT: Okay.

14 THE PROSPECTIVE JUROR: It's -- I'm not very  
15 trusting. I don't like to trust people.

16 THE COURT: Understood.

17 THE PROSPECTIVE JUROR: That's all.

18 THE COURT: But does that apply to people whether  
19 they're law enforcement or regular people?

20 THE PROSPECTIVE JUROR: Everybody.

21 THE COURT: So you are a little skeptical of  
22 everyone?

23 THE PROSPECTIVE JUROR: Yeah, I am.

24 THE COURT: You're going to be instructed that if  
25 there is a law enforcement witness, you have to judge that

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1 person's credibility just like you would any other person.

2 Do you think you can do that?

3 THE PROSPECTIVE JUROR: I can try.

4 THE COURT: But importantly, would you go into this  
5 assuming that somehow the law enforcement didn't do the right  
6 thing or isn't telling you the truth?

7 THE PROSPECTIVE JUROR: It's always that  
8 possibility. Yeah. I always have that little inkling, you  
9 know. Just it's not always 100 percent.

10 THE COURT: Will you feel that way about any witness  
11 whether it's a civilian or law enforcement person?

12 THE PROSPECTIVE JUROR: Yeah, I would.

13 THE COURT: So you go in sort of skeptical to begin  
14 with?

15 THE PROSPECTIVE JUROR: I do.

16 THE COURT: In that regard, you treat law  
17 enforcement just like other people?

18 THE PROSPECTIVE JUROR: I do.

19 THE COURT: Sort of until they earn your trust?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: You're skeptical.

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: But again, do you think you can be fair  
24 and impartial, at least, as to all the people?

25 THE PROSPECTIVE JUROR: I can try my best.

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1 THE COURT: And can you weigh their testimony  
2 against all the other evidence?

3 THE PROSPECTIVE JUROR: I can try. If it's given in  
4 a good positive way that I can agree with it, yes.

5 THE COURT: All right. Can you take a step right  
6 over there for one moment.

7 Okay. Folks, I'm not inclined to strike her. She  
8 has a lot of skepticism about people.

9 MR. SINGER: I'm not making a motion.

10 MS. KASSNER: No motion, Your Honor.

11 THE COURT: Have a seat.

12 (Sidebar ends)

13 THE COURT: Thank you very much. Thank you very  
14 much, Juror Number 21. We have another hand there in the  
15 back. Thank you so much, Juror Number 20.

16 You're Juror Number 26. Okay.

17 Ms. Chen. Yes. Just turn it on.

18 THE PROSPECTIVE JUROR: Can I just approach?

19 THE COURT: Yes, you may approach.

20 (Sidebar)

21 THE COURT: If you will stand with your back to this  
22 wall.

23 THE PROSPECTIVE JUROR: Yep.

24 THE COURT: Tell us what happened.

25 THE PROSPECTIVE JUROR: About a month ago my



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1 significant other was attacked in a hate crime and punched in  
2 the face and his teeth were basically displaced. And it's  
3 been very frustrating because, like, this for the past month  
4 we haven't had any progress on the case and it happened just a  
5 block from our apartment. Every time we leave the apartment,  
6 it's been really scary. With the recent bail laws that the  
7 attacker has just been released even though there has been two  
8 previous incidents.

9 THE COURT: I'm so sorry.

10 THE PROSPECTIVE JUROR: So it's been kind of  
11 frustrating dealing with it.

12 THE COURT: As a result of what happened to your  
13 significant other, do you have feelings about law enforcement  
14 in general or in particular towards the NYPD?

15 THE PROSPECTIVE JUROR: Yeah. I would think very  
16 negative reaction to this because I felt very frustrated and  
17 mismanaged.

18 THE COURT: Okay.

19 THE PROSPECTIVE JUROR: Just like talking with other  
20 people who have been part of this, all of their interactions  
21 have been very negative and just really have not like had much  
22 support there.

23 THE COURT: Do you feel like -- and I know it's a  
24 very recent terrible event, do you feel like you can put aside  
25 what happened to your partner and the response from law

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1 enforcement in judging this case objectively?

2 THE PROSPECTIVE JUROR: I'm not too sure about that.

3 THE COURT: Okay. Well, though there will be law  
4 enforcement officers or agents testifying, do you think you  
5 could view their testimony just like you would any other  
6 witness and not either assume that they are not telling the  
7 truth or assuming they are telling the truth?

8 THE PROSPECTIVE JUROR: I don't think so.

9 THE COURT: Why do you say this? And I mean just  
10 explain a little bit.

11 THE PROSPECTIVE JUROR: It's because in the past  
12 month I had to talk to numerous law enforcement officials and  
13 its just been -- just not a positive experience where they  
14 were very dismissive and not cooperative.

15 THE COURT: Okay. All right. I'm going to excuse  
16 you and I'm very sorry about your partner's situation.

17 Thanks.

18 THE PROSPECTIVE JUROR: Thank you.

19 THE COURT: Go back to the jury room and tell them  
20 that you can't sit for this.

21 THE PROSPECTIVE JUROR: Thank you.

22 THE COURT: Folks, I didn't bother to solicit. I  
23 think it's just a recent and traumatic experience and she  
24 clearly had an emotional response. I don't think she could be  
25 fair given her negative feelings about law enforcement.

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1 MR. NAVARRO: I just want to put on the record that  
2 I spoke with Mr. Singer. He is waiving his client's  
3 appearance.

4 THE COURT: The defendant doesn't have a right to be  
5 at sidebar, but I appreciate that.

6 MR. SINGER: And it would be for him to waive. I  
7 have not discussed it with him, but yes.

8 THE COURT: Okay. All right. So the defendant has  
9 waived his --

10 MR. SINGER: I've not discussed it with him. As I  
11 understand it. As the Court has indicated, he doesn't have a  
12 legal right to be here, so there is nothing to worry.

13 THE COURT: Okay. Thank you.

14 (Sidebar ends)

15 Do we have anyone else?

16 Okay. Do we have anyone else that had a positive  
17 response?

18 First we have to call someone else to replace Juror  
19 Number 20. What was she?

20 MR. SINGER: Twenty-six.

21 THE COURT: Yes. Thank you, Ms. Chen.

22 So let's first replace Ms. Chen.

23 MR. SINGER: Judge, this juror would be new number  
24 26?

25 THE COURT: Correct.

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(Continued on the following page.)

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1 (Continuing.)

2 THE COURT: Ms. Gordon, as you take your seat, do  
3 you have any positive responses?

4 PROSPECTIVE JUROR: No.

5 THE COURT: So nothing, all right.

6 Now raise your hand again, juror number 17,  
7 Ms. Yepez, do you want to answer in private?

8 PROSPECTIVE JUROR: No, it's okay, I even forgot  
9 about it. Twenty-six years ago my family was robbed in our  
10 bakery.

11 THE COURT: At gun point?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Where was that located?

14 PROSPECTIVE JUROR: In the Bronx.

15 THE COURT: Was there any law enforcement response?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Was there any prosecution that resulted?

18 PROSPECTIVE JUROR: No, I don't think so.

19 THE COURT: Do you have any feelings positive or  
20 negative about that interaction with law enforcement.

21 PROSPECTIVE JUROR: No, I kind of forgot about it.

22 THE COURT: Would that experience make it difficult  
23 for you to be fair and impartial in this case?

24 PROSPECTIVE JUROR: No, I don't think so.

25 THE COURT: Thank you very much, Ms. Yepez.

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1 Any other hand up?

2 PROSPECTIVE JUROR: Just regarding what we spoke  
3 about, do you have any follow-up?

4 THE COURT: No, I don't. Let's go back for a  
5 minute -- I think we're fine. I remember your response now.

6 Anybody else? Juror number --

7 PROSPECTIVE JUROR: Thirty-four.

8 THE COURT: You're five, believe it or not, we  
9 renumbered you.

10 PROSPECTIVE JUROR: Again, I had forgotten it, it  
11 was many years ago. My sister was the victim of several  
12 violent crimes.

13 THE COURT: I'm sorry to hear about that. How long  
14 ago was that?

15 PROSPECTIVE JUROR: The last about 15 years ago.

16 THE COURT: Was that here in New York?

17 PROSPECTIVE JUROR: No, it wasn't.

18 THE COURT: Do you know if there was any law  
19 enforcement response?

20 PROSPECTIVE JUROR: In the one case, because I  
21 called them; it was a Pennsylvania state police.

22 THE COURT: Is there anything about that experience  
23 that would make it difficult for you to be fair and impartial  
24 in this case?

25 PROSPECTIVE JUROR: Not at all, just letting you

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1 know out of the interest of full disclosure.

2 THE COURT: Much appreciated. As a result of your  
3 sister's feeling, did you develop any feelings about law  
4 enforcement positive or negative?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Thank you.

7 Anyone else?

8 Have you, a family member, or anyone close to you  
9 ever been a witness in a Grand Jury investigation or been  
10 questioned in any manner by law enforcement agents or  
11 officers? Grand Jury witness or any questioning by law  
12 enforcement. Okay.

13 Have you, a family member, or someone close to you  
14 ever been a witness or a complainant in a prosecution whether  
15 federal, state, or local? A witness or a complainant in a  
16 prosecution.

17 Juror number 16, I believe Ms. Mattina; is that  
18 right?

19 PROSPECTIVE JUROR: Yes. I was a claimant against  
20 an attorney who took care of an accident claim for me, but he  
21 was also real estate attorney and he embezzled client's money.  
22 So I was interviewed by the Brooklyn DA's office and he was  
23 successfully prosecuted.

24 THE COURT: As a result of that, or would that  
25 experience affect your ability to be fair and impartial in

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1 this case?

2 PROSPECTIVE JUROR: No, not at all.

3 THE COURT: Okay. And did you develop any  
4 particularly positive or negative feelings about law  
5 enforcement or prosecutors as a result of that?

6 PROSPECTIVE JUROR: No, not at all.

7 THE COURT: Thank you very much, juror number 16.

8 Anyone else? Witness or claimant in a criminal  
9 case? Sir, hold that thought.

10 Have you, a family member, or close friend ever been  
11 employed by law enforcement? Now those of who you previously  
12 responded you don't need to respond again.

13 So juror number two -- maybe we should start in the  
14 back, with juror number 25. Mr. Chesaniuk.

15 PROSPECTIVE JUROR: I have a couple of nephews who  
16 are police officers, a brother who was in corrections, deputy  
17 warden for a couple of years.

18 THE COURT: All here in New York City?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: As a result of -- or let me go back. Do  
21 you talk to them about their work?

22 PROSPECTIVE JUROR: Oh, yes.

23 THE COURT: The two who were NYPD, what do they do?

24 PROSPECTIVE JUROR: One is Richmond Hill patrol, the  
25 other one formerly auto theft and now I think train or



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1 somewhere in Queens.

2 THE COURT: Can you be fair and impartial in this  
3 case and put out of your mind anything you may have heard  
4 about your relative's jobs in deciding what happened in this  
5 case?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Can you be fair and impartial to law  
8 enforcement witnesses if they take the stand and judge their  
9 credibility just like anyone else's?

10 PROSPECTIVE JUROR: Just like anybody else's, yes.

11 THE COURT: And decide if they are telling the truth  
12 or not telling the truth just like you would with any other  
13 witnesses?

14 PROSPECTIVE JUROR: Yep.

15 THE COURT: You wouldn't give them more benefit of  
16 the doubt because you have relatives who are in the NYPD?

17 PROSPECTIVE JUROR: No, they wouldn't get more of a  
18 benefit of a doubt, no.

19 THE COURT: Thank you very much.

20 Any other folks in the cheap seats over there?

21 Sorry. Let's bring the microphone up this way.

22 Juror number two, Ms. Fischer.

23 PROSPECTIVE JUROR: My cousin and my uncle are in  
24 the NYPD. My uncle retired, but my cousin is currently  
25 working for NYPD in Manhattan.

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1 THE COURT: Do you know what he does?

2 PROSPECTIVE JUROR: Patrol, I don't know much of  
3 what he does. He doesn't talk about it, but he does work  
4 there.

5 THE COURT: Could you be fair and impartial in this  
6 case?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Even though it's brought by law  
9 enforcement?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Thank you very much.

12 Next, juror number three Ms. Dawkins.

13 PROSPECTIVE JUROR: My current employer is  
14 considered a law enforcement department.

15 THE COURT: Who is your current employer.

16 PROSPECTIVE JUROR: The New York City Department of  
17 Investigation.

18 THE COURT: DOI?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: How long have you been there?

21 PROSPECTIVE JUROR: Six months.

22 THE COURT: What do you do?

23 PROSPECTIVE JUROR: Investigator.

24 THE COURT: You do investigations yourself?

25 PROSPECTIVE JUROR: Yes.

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1 THE COURT: Can you be fair and impartial in this  
2 case even though there may will be law enforcement officer  
3 testimony?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Could you judge their credibility just  
6 like anybody else's?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Thank you very much, Ms. Dawkins.  
9 Anyone else?

10 Have you, a family member, or a someone close to you  
11 had negative experiences with law enforcement agents? Again,  
12 if you gave a previous response you don't need to respond  
13 again.

14 Would any of you have difficulty in finding the  
15 defendant guilty if the Government proves its case beyond a  
16 reasonable doubt based solely on the testimony of law  
17 enforcement officers?

18 Is there anyone who feels predisposed for any reason  
19 to either believe or disbelieve a law enforcement agent's  
20 testimony? I appreciate some of these questions are now  
21 redundant.

22 This case involves a law enforcement agent who  
23 worked in an undercover capacity, is there anyone who has  
24 strong feelings concerning the use of sting operations, as  
25 they are called, or undercover agents, or who believe that law

Sidebar

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1 enforcement should not be permitted to use undercover agents?  
2 Anyone with strong feelings?

3 As I mentioned earlier, in this case the defendant  
4 is charged with money laundering in connection with property  
5 that was allegedly represented to the defendant as being the  
6 proceeds of narcotic trafficking. Do you any of you have any  
7 strong feelings concerning with the distribution or sale of  
8 illegal drugs in general?

9 Juror number 25, Mr. Chesaniuk. Maybe we should  
10 have you come up to the sidebar.

11 (Sidebar.)

12 THE COURT: Tell me, what is your feelings?

13 PROSPECTIVE JUROR: I have real strong feelings  
14 about people who distribute, sell, and in any way support the  
15 drug industry, the illegal drug industry. I have a personal  
16 friend who overdosed and died. Relatives have gotten AIDS as  
17 a result of heroin addictions. Personally I know people,  
18 addicts -- when I was growing up heroin was a big thing; I  
19 personally saw people dying.

20 THE COURT: This case isn't about drug dealing  
21 directly.

22 PROSPECTIVE JUROR: I understand. If you are  
23 supporting it in any way, you're part of the problem.

24 THE COURT: This is just an accusation, though. The  
25 question becomes, can you fair and impartial and view the

Jury Selection

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1 evidence to determine whether or not the Government has proved  
2 its case beyond a reasonable doubt as to this defendant? Can  
3 you put your feelings about drugs, drug use, drug sale, drug  
4 industry?

5 PROSPECTIVE JUROR: No. I've seen people die.

6 THE COURT: Thank you very much.

7 PROSPECTIVE JUROR: There is no way.

8 THE COURT: Go back to the jury room. Thank you  
9 very much. I'm sorry about your loss.

10 (Juror exits sidebar.)

11 THE COURT: He was so emphatic, I don't think he  
12 could be fair to the defendant in this case.

13 (In open court.)

14 THE COURTROOM DEPUTY: Juror 37 replacing number 25,  
15 Kathleen St. Jeanos.

16 THE COURT: Did you have any positive responses to  
17 anything I asked before?

18 PROSPECTIVE JUROR: An early one, I'm not sure it's  
19 a yes, but my son is interning in for a judge in the Southern  
20 District of New York.

21 THE COURT: Who is that?

22 PROSPECTIVE JUROR: I don't know the judge's name,  
23 sorry.

24 THE COURT: I'm not going to tell your son that.  
25 Have a seat. Let me ask you, Ms. St. Jeanos, is there

Jury Selection

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1 anything about the fact that your son is interning for an  
2 anonymous judge would that affect your ability to be fair and  
3 impartial in this case?

4 PROSPECTIVE JUROR: No, it would not.

5 THE COURT: Thank you very much. Very nice for your  
6 son.

7 Did we get everyone with respect to drug sales in  
8 general, the drug trade in general? Okay.

9 Is there anyone who has strong feelings concerning  
10 the distribution or sale of marijuana, Adderall, or Oxycodone  
11 known as Oxy, in particular?

12 Have you, a family member, or anyone close to you  
13 ever been arrested or convicted of a drug crime? Glad to hear  
14 that.

15 Have you or someone close to you been affected in  
16 any way by illegal drugs or the sale of illegal drugs?

17 Did you want to answer in private?

18 PROSPECTIVE JUROR: No, that's okay. My brother was  
19 arrested and did serve time.

20 THE COURT: It was for drug dealing?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: How long ago was that?

23 PROSPECTIVE JUROR: Quite a bit, 20 years.

24 THE COURT: Here in this city?

25 PROSPECTIVE JUROR: Yes.

Jury Selection

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1 THE COURT: Do you remember which law enforcement  
2 agency was involved in that?

3 PROSPECTIVE JUROR: No, I don't.

4 THE COURT: Do you know much about his case?

5 PROSPECTIVE JUROR: No. Actually I came to find out  
6 he was arrested after he came down with HIV, he had to notify  
7 the family member; so I didn't know he was arrested until that  
8 time.

9 THE COURT: Sorry to hear that. Do you know how  
10 long he was in prison for?

11 PROSPECTIVE JUROR: I think 18 months.

12 THE COURT: Do you have any feelings about what  
13 happened to your brother and whether or not he was treated  
14 fairly or not?

15 PROSPECTIVE JUROR: I don't know the details, but I  
16 don't have any feeling. If you do something wrong, you're  
17 going to get charged.

18 THE COURT: You don't have any feelings positive or  
19 negative about the law enforcement or the prosecutors who  
20 handled that case?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Do you think you can be fair and  
23 impartial in this case?

24 PROSPECTIVE JUROR: Of course.

25 THE COURT: To the extent there might be some

Jury Selection

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1 suggestion about drugs being peripherally involved?

2 PROSPECTIVE JUROR: Of course I can.

3 THE COURT: Thank you juror, number one.

4 Anyone else who had someone close to them affected  
5 by drugs? Juror number five, Mr. Corbet.

6 PROSPECTIVE JUROR: What I referred to earlier about  
7 my sister, it was resulting from her boyfriend who was  
8 cultivating and distributing marijuana.

9 THE COURT: The violent crime you mean?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Was it a robbery of some sort?

12 PROSPECTIVE JUROR: No, he assaulted her. I believe  
13 he was convicted of cultivation.

14 THE COURT: As a result of your sister's experience,  
15 do you have any feelings that would affect your ability to be  
16 fair and impartial in this case if there is some suggestion --

17 PROSPECTIVE JUROR: Not at all. Towards him, yes,  
18 and her yes; but the situation in general, no.

19 THE COURT: The drug trade in general.

20 PROSPECTIVE JUROR: No.

21 THE COURT: Or marijuana selling.

22 PROSPECTIVE JUROR: No.

23 THE COURT: Thank you.

24 Is there anyone who has strong feelings concerning  
25 money laundering in general?



Sidebar

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1 Have you, a family member, or anyone close to you  
2 ever been arrested or convicted of a financial crime?

3 Is there anyone who has prior or specialized  
4 knowledge of digital currency, also known as crypto currency?

5 Is there anyone who is familiar with Bitcoin or  
6 other crypto currency? When I say familiar, not if you've  
7 heard of Bitcoin but have some particular knowledge about  
8 Bitcoin or crypto currency?

9 Yes, Mr. Corbet.

10 PROSPECTIVE JUROR: Small-time investor in crypto  
11 currency, generally familiar with the basics of block chain  
12 and so on.

13 THE COURT: So you're actually an investor.

14 PROSPECTIVE JUROR: No longer.

15 THE COURT: Let's have you come to sidebar.

16 (Sidebar.)

17 THE COURT: When did you invest in Bitcoin?

18 PROSPECTIVE JUROR: Over the past 12 months. It  
19 wasn't Bitcoin, it was several others. I have a few residual,  
20 maybe \$50 worth.

21 THE COURT: Which one?

22 PROSPECTIVE JUROR: ADA Coin and Cardano. Beyond  
23 that, only in the value of say \$20, \$30.

24 THE COURT: Why did you invest in them?

25 PROSPECTIVE JUROR: It was just speculation. I was

1 curious, and an easy way to learn is to participate.

2 THE COURT: Okay. It sounds like it was a  
3 short-lived experiment, why is that?

4 PROSPECTIVE JUROR: The market spiked and I realized  
5 that I was either going to exit with a profit or I was going  
6 to be in it for the long-term.

7 THE COURT: As a result of your experience, do you  
8 know a fair amount about how crypto currencies work?

9 PROSPECTIVE JUROR: I know a fair amount about  
10 markets in general, I have a degree in economics and am an  
11 investor; but I have no specialized knowledge.

12 THE COURT: As a result of your experience or  
13 otherwise, do you have any feelings positive or negative about  
14 crypto currency.

15 PROSPECTIVE JUROR: I think it's a good way to lose  
16 money, for the casual investor.

17 THE COURT: You may hear testimony in this case  
18 about the use of crypto currency, in particular Bitcoin -- I  
19 should say use transactions involving that. Would that affect  
20 your ability to be fair and impartial in this case?

21 PROSPECTIVE JUROR: No, not at all.

22 THE COURT: Most importantly, you may hear testimony  
23 about how Bitcoin or crypto currencies work. Could you rely  
24 just on what you hear today here in the trial about that  
25 subject and put out of your mind whatever else you might know

Sidebar

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1 about Bitcoin, crypto currency, block chain, et cetera?

2 PROSPECTIVE JUROR: Right.

3 THE COURT: Can you do that?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Rely solely on the evidence put before  
6 you?

7 PROSPECTIVE JUROR: Absolutely.

8 THE COURT: Not import anything that you believe to  
9 be true about any of those subjects.

10 PROSPECTIVE JUROR: I'm not signing up for this job,  
11 but I can fulfill that obligation.

12 THE COURT: Thank you.

13 (In open court.)

14 THE COURT: Juror number ten, go ahead.

15 PROSPECTIVE JUROR: Same scenario as the previous  
16 juror, small-time kind of investing in crypto.

17 THE COURT: Come join us at sidebar.

18 (Sidebar.)

19 THE COURT: Tell us what is your experience?

20 PROSPECTIVE JUROR: I was given Bitcoin as a gift  
21 from my brother-in-law for Christmas one year. Then basically  
22 I kind of started investing in a theory and some other smaller  
23 ones, this is probably like five or six years ago. Then my  
24 brother-in-law's father he told me to switch to Bitcoin Cash,  
25 because I trusted him, I lost a lot of money out of that. I

1 don't hold a grudge or anything like that.

2 THE COURT: You do not.

3 PROSPECTIVE JUROR: I do not.

4 THE COURT: As a result of that, I have to ask you  
5 more globally, do you have negative or positive feelings about  
6 crypto currency in general?

7 PROSPECTIVE JUROR: I'm a little skeptical, but I  
8 look as it another option for my portfolio, put money away and  
9 not think about it. I'm not actively trading it, just added  
10 it to the list.

11 THE COURT: You're likely to hear testimony in this  
12 trial about crypto currency and about Bitcoin how it works.  
13 Can you put out of your mind anything you know about all these  
14 crypto currencies and just rely on the evidence that is  
15 presented before you in trial about that subject?

16 PROSPECTIVE JUROR: I think many more people know  
17 more than I do, so yes.

18 THE COURT: Even if someone is said at trial and you  
19 think, I don't know if that's right, can you put that out of  
20 your mind and rely on the testimony and evidence?

21 PROSPECTIVE JUROR: To the best of my ability, yes.

22 THE COURT: Do you have any doubt?

23 PROSPECTIVE JUROR: I'm a little skeptical about the  
24 concept of it. Again, I don't know enough, like compared to  
25 other people who are specialists, but I probably have some

Jury Selection

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1   scepticism about the crypto currency in general and what it is  
2   based off of, from my knowledge.

3           THE COURT: Remember, I'm going to instruct all the  
4   jurors that you have to rely just on the evidence presented  
5   and put everything else out of your mind.

6           PROSPECTIVE JUROR: I can do that.

7           THE COURT: You can do that. Thank you, juror  
8   number ten.

9           (In open court.)

10          THE COURT: Anyone else? I think this is already  
11   covered, have you, a family member, or close friend ever  
12   purchased or sold Bitcoin or any other crypto currency?  
13   Obviously if you've responded before you don't need to respond  
14   again. Okay.

15          Similarly, does anyone have experience with block  
16   chain technology?

17          Does anyone have any views about the existence or  
18   use of crypto currency that would interfere with your ability  
19   to be fair and impartial in this case, which will involve  
20   Bitcoin? And again, if you responded before you don't have to  
21   respond again.

22          Is there anyone who believes that transactions  
23   involving Bitcoin or other crypto currencies should not be  
24   regulated in any way by the Government? Anyone have that  
25   view?

Jury Selection

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1 Have you, a family member, or close friend ever had  
2 any experience or otherwise participated in foreign financial  
3 transactions? For example, sending money to or receiving  
4 money from a person or business in another country?

5 Juror number 14, Ms. Nzirubusa. What is your  
6 experience?

7 PROSPECTIVE JUROR: Just sending money to my  
8 country.

9 THE COURT: What vehicle do you use to do that.

10 PROSPECTIVE JUROR: Ria money transfer.

11 THE COURT: You do that from here in New York?

12 PROSPECTIVE JUROR: Yes, New York.

13 THE COURT: I don't know if any testimony about  
14 those kinds of services will come up, but if some evidence  
15 comes up about money transmission via a service like Ria,  
16 could you put out of your mind anything that you know based on  
17 your own experience and judge this case based on the  
18 experience put before you.

19 PROSPECTIVE JUROR: Yes, I can do that.

20 THE COURT: Thank you very much. Anyone else?

21 Is there anyone who has difficulty reading or  
22 understanding English? Juror number 17, I think Ms. Yepez,  
23 17.

24 PROSPECTIVE JUROR: When I read I get the letters  
25 mixed up.

Jury Selection

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1 THE COURT: Like dyslexia?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: But you understand English perfectly?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Obviously, if you need more time to look  
6 at written documents you'll have as much time you need to  
7 address any concern you have.

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Thank you. Let me go back for one  
10 minute, Ms. Yepez. Is it a question of needing more time  
11 or --

12 PROSPECTIVE JUROR: More time.

13 THE COURT: Not times when you cannot simply read  
14 something.

15 PROSPECTIVE JUROR: More time. I go really quick  
16 and it gets mixed up.

17 THE COURT: I understand that. I have that also.

18 Is there anyone who has a physical disability or  
19 problem that would make serving as a member of the jury  
20 difficult or impossible? Physical ailment or condition, other  
21 than sitting on hard wooden cases?

22 This case will likely involve listening to audio  
23 recordings, looking at television monitors, looking at  
24 typewritten exhibits in the English language, any medical  
25 issues like eyesight, hearing, or language difficulties that

Jury Selection

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1 would make it difficult for you to serve as a juror in this  
2 case given that fact? Ms. Yepez, you don't need to respond  
3 again. All right.

4 As mentioned earlier, the trial is expected to last  
5 through the rest of this week and possibly until next Tuesday.  
6 We won't be sitting on Wednesday because of the Jewish holiday  
7 or Monday because of Columbus Day. Is there anyone for whom  
8 the length of the trial is a genuine hardship? Juror number  
9 six.

10 PROSPECTIVE JUROR: I just got hired to a new job.  
11 I start tomorrow.

12 THE COURT: Do you they know you've been called to  
13 jury service?

14 PROSPECTIVE JUROR: No. I just got my schedule this  
15 Saturday, I couldn't tell them that I have jury duty.

16 THE COURT: They are expecting you to show up?

17 PROSPECTIVE JUROR: Tomorrow.

18 THE COURT: Where is your employment?

19 PROSPECTIVE JUROR: In Manhattan, Fifth Avenue.

20 THE COURT: Is it a company?

21 PROSPECTIVE JUROR: No, it's a retail store.

22 THE COURT: They are supposed to give you time off  
23 if you have jury service.

24 PROSPECTIVE JUROR: I would have told them, but I  
25 didn't know the date that I was going to come.



Sidebar

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1 THE COURT: Let me talk to the lawyers at sidebar.  
2 (Sidebar.)

3 THE COURT: I just want to solicit your views. My  
4 inclination is to let her go. She's just starting a job.

5 MR. SINGER: I agree.

6 THE COURT: Normally I would say your job has to  
7 excuse you -- all right, we're all in agreement?

8 MS. KASSNER: Yes.

9 (In open court.)

10 THE COURT: Juror number six, Ms. Osorio, I'm going  
11 to let you go. I don't want you to get in trouble on your  
12 first day of work.

13 PROSPECTIVE JUROR: Thank you.

14 THE COURT: It would have different if you'd already  
15 been there for a while. Juror number six be replaced by --

16 THE COURTROOM DEPUTY: Juror 38, Kenneth Kresowaty.

17 PROSPECTIVE JUROR: Do you have a moment?

18 THE COURT: Yes, come to sidebar.

19 (Sidebar.)

20 PROSPECTIVE JUROR: I'm retired from New York State  
21 Department of Health Office of Professional Medical Conduct.  
22 I was a senior medical conductor investigator. I did  
23 interaction with DEA on a limited basis, would it be  
24 inappropriate prescribing issues on one case.

25 THE COURT: Do you believe your experience as law

1 enforcement or quasi-law enforcement as an investigator to  
2 affect your ability to be fair and impartial in this case?

3 PROSPECTIVE JUROR: I have a positive outlook. The  
4 case went forward that I presented to our committee. It was  
5 prosecuted by the DEA. It was a positive experience.

6 THE COURT: It was a positive experience with the  
7 DEA.

8 PROSPECTIVE JUROR: Oh, yes.

9 THE COURT: Let me ask you, as an investigator you  
10 know that evidence has to be brought and relied upon when  
11 doing anything in your line of work.

12 PROSPECTIVE JUROR: That's correct.

13 THE COURT: Do you feel you can weigh the evidence  
14 in this case and decide whether or not the prosecutors and the  
15 DEA have done their job and brought enough evidence to satisfy  
16 you of guilt beyond a reasonable doubt?

17 PROSPECTIVE JUROR: So long as it's obtained  
18 correctly.

19 THE COURT: So you would evaluate it to determine  
20 whether or not it was obtained correctly.

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: And whether or not it convinces you of  
23 the defendant's guilt beyond a reasonable doubt.

24 PROSPECTIVE JUROR: Yes. It has to be beyond a  
25 reasonable doubt, that's correct.

Jury Selection

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1 THE COURT: You think you can be fair and impartial  
2 in this case?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Despite your positive experiences with  
5 DEA.

6 PROSPECTIVE JUROR: I feel comfortable with that.

7 THE COURT: Fair to both sides?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Thank you very much.

10 (In open court.)

11 THE COURT: Come up here in the box next to juror  
12 number five.

13 Anyone else a genuine hardship? Juror number 25,  
14 Ms. St. Jeanos.

15 PROSPECTIVE JUROR: I think it should be fine, it's  
16 not a hardship. I have a family trip, departing Saturday the  
17 15th, so we would be fine.

18 THE COURT: If you're not fine, then we're all not  
19 fine. I might have to go with you at that point.

20 Yes, sir, number 23, Mr. Thomas.

21 PROSPECTIVE JUROR: I have a court date October 5.

22 THE COURT: Okay. Where is it you are appearing in  
23 court?

24 PROSPECTIVE JUROR: Supreme Court.

25 THE COURT: Here in Brooklyn?

Sidebar

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1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Is it a civil case or a criminal case?

3 PROSPECTIVE JUROR: Criminal.

4 THE COURT: And are you a witness or a party.

5 PROSPECTIVE JUROR: Party.

6 THE COURT: What time is it on October 5.

7 PROSPECTIVE JUROR: 526.

8 THE COURT: Could we have you come up to sidebar.

9 (Sidebar.)

10 THE COURT: We're not sitting on Wednesday. We  
11 won't have court on Wednesday, that's why I wanted to ask you  
12 a little more about your situation. So you would be free to  
13 go there to court on Wednesday.

14 PROSPECTIVE JUROR: Okay.

15 THE COURT: What kind of case is it?

16 PROSPECTIVE JUROR: DWI.

17 THE COURT: So you got arrested for a DWI?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: That's pending right now?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Is this your first interaction with law  
22 enforcement? Is this your first arrest?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Was it the NYPD who arrested you?

25 PROSPECTIVE JUROR: Yes.

Sidebar

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1 THE COURT: How many other arrests have you had?

2 PROSPECTIVE JUROR: Two.

3 THE COURT: Were they also by the NYPD?

4 PROSPECTIVE JUROR: No.

5 THE COURT: What kind of crimes were they?

6 PROSPECTIVE JUROR: Possession of marijuana.

7 THE COURT: Mr. Thomas, I'm going to let you go back  
8 to the jury room. Thank you very much.

9 PROSPECTIVE JUROR: Thank you.

10 (Prospective juror exits sidebar.)

11 THE COURT: I know I did that sua sponte? My  
12 feeling was he wasn't comprehending what I said. He clearly  
13 missed all the questions about knowledge about involvement in,  
14 arrested for drugs, and everything else. So I was quite  
15 concerned that he wouldn't necessarily be all there for this  
16 trial. He seemed to me possibly to be under the influence of  
17 something at this exact moment. His eyes were a bit glazed.  
18 And given he was appearing for a DUI, and he didn't respond as  
19 he should have to all the questions that should have elicited  
20 his prior arrest and involvement in the criminal justice  
21 system.

22 You may have an objection, you can lodge it if you  
23 like.

24 MR. SINGER: I'm not sure that the record was  
25 sufficiently developed. I understand the concerns that you

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1 have, but we have concerns with lots of jurors and we  
2 developed them a bit more. I didn't think that was done.

3 THE COURT: Let me make clear, it's not about him  
4 having been arrested before. It's about the fact that he  
5 didn't respond to any questions at all prior to this about his  
6 arrests. So it was more a concern of comprehension of his  
7 mental status. But your objection is noted.

8 (In open court.)

9 THE COURT: We'll replace juror number 23.

10 THE COURTROOM DEPUTY: Juror 39 replacing 23,  
11 Gabriel, Glasgow.

12 THE COURT: Mr. Gabriel, you can take your seat.  
13 Did you have any positive responses about anything I asked you  
14 so far?

15 PROSPECTIVE JUROR: No, Your Honor.

16 THE COURT: Thank you very much.

17 Juror number 18, you were standing up?

18 PROSPECTIVE JUROR: I was going to go to the  
19 bathroom.

20 THE COURT: If you hold on one second we're very  
21 close to a breaking point.

22 PROSPECTIVE JUROR: Sure, no problem.

23 THE COURT: Thank you. Any other genuine hardship?

24 Is there anyone who has any biases or prejudices  
25 against members of any racial, ethnic, national or religious

## Jury Selection

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1 group that would make it difficult for you to be fair and  
2 impartial in this case?

3 Is there anyone who feels that even if the evidence  
4 establishes the defendant's guilt beyond a reasonable doubt  
5 you might not be able to render a guilty verdict for reasons  
6 unrelated to the law and the evidence?

7 If you're selected as a juror, you'll be instructed  
8 that you must follow and apply the law as I instruct you, even  
9 if you disagree with the law. Is there anyone who would have  
10 difficulty following that instruction?

11 If you're selected as a juror you'll be instructed  
12 that the question of punishment is for the Court alone to  
13 decide. And that you must not let that enter into your  
14 deliberations, the possibility of punishment, in any way. Is  
15 there anyone who would have difficulty following that  
16 instruction?

17 Last question, is there anyone who believes they  
18 cannot be fair and impartial in rendering a verdict in this  
19 case for any reason that we haven't discussed? Terrific.

20 I'm going to let all of you take a 15-minute break,  
21 being realistic about restrooms and how many we have. You can  
22 go to other floors if you need to use a restroom. Be ready to  
23 go again at 20 of 12, and back in your seats. Thank you  
24 everyone.

25 (Prospective jury panel exits.)

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1 (Sidebar.)

2 THE COURT: Mr. Goklu, I know you're heading to use  
3 the restroom as well. Since we have so many potential jurors  
4 out there in the hallway, I want to make sure you understand  
5 you cannot speak to any of the potential jurors at all, just  
6 don't speak to anybody to make sure you don't run afoul of  
7 that. Thank you.

8 (Defendant exits sidebar.)

9 THE COURT: Any other follow-up questions for  
10 anyone?

11 MS. KASSNER: No.

12 MR. SINGER: No.

13 THE COURT: Okay, then you guys are free to go as  
14 well. Be back at 20 of and we'll start with peremptory.

15 MR. SINGER: You'll be asking further questions  
16 individual questions?

17 THE COURT: Yes.

18 (Brief recess.)  
19  
20  
21  
22  
23  
24  
25



## Jury Selection

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1 (Continuing.)

2 THE COURT: Ladies and gentlemen, as you can see,  
3 the first 32 of you have received a paper questionnaire.  
4 Sorry about the right side here. You might be having FOMO  
5 right now. We're going to go through these questions one by  
6 one. Each juror will be required to answer each question and  
7 you don't have to repeat the question and if you get very  
8 good, you can just say the number and give an answer.

9 So we're going to go one by one as soon as we get a  
10 microphone back. Let's start with Juror No. 1.

11 PROSPECTIVE JUROR NO. 1: I reside in Cambria  
12 Heights, Queens, New York. I've been living there for 30  
13 years. Before that, I lived in Corona.

14 THE COURT: Formal education?

15 PROSPECTIVE JUROR NO. 1: I have a Bachelor's degree  
16 in the science of nursing. Employment, currently employed by  
17 Northwell Health Long Island Jewish Medical Center. I've  
18 worked for them for 29 years.

19 THE COURT: What is your position there?

20 PROSPECTIVE JUROR NO. 1: I'm a nurse care manager.

21 THE COURT: Spouse or partner?

22 PROSPECTIVE JUROR NO. 1: No, I'm divorced. I have  
23 two children --

24 THE COURT: Could we go back for a minute. Your  
25 former spouse, did that person work outside the home?

Jury Selection

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1 PROSPECTIVE JUROR NO. 1: I'm sorry?

2 THE COURT: Did your former spouse work outside the  
3 home?

4 PROSPECTIVE JUROR NO. 1: Yes.

5 THE COURT: What did he do?

6 PROSPECTIVE JUROR NO. 1: He was a contractor. He  
7 owned his own business construction.

8 THE COURT: Children?

9 PROSPECTIVE JUROR NO. 1: I have two children, 33  
10 and 31 and they do work outside the home.

11 THE COURT: And what do they do?

12 PROSPECTIVE JUROR NO. 1: My daughter works for  
13 Toyota and my son works for Google.

14 THE COURT: What does your son do at Google?

15 PROSPECTIVE JUROR NO. 1: I'm not sure honestly.

16 THE COURT: How about your daughter, what does she  
17 do at Toyota?

18 PROSPECTIVE JUROR NO. 1: She's in cars sales.

19 THE COURT: Any other adult you live with?

20 PROSPECTIVE JUROR NO. 1: No, I live alone. Legal  
21 knowledge, not so much.

22 THE COURT: Ever practiced or studied it?

23 PROSPECTIVE JUROR NO. 1: Not at all.

24 THE COURT: Any friends or family members?

25 PROSPECTIVE JUROR NO. 1: No.

Jury Selection

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1 THE COURT: How about jury service?

2 PROSPECTIVE JUROR NO. 1: I have done it before and  
3 it was a criminal case.

4 THE COURT: Was it state or federal?

5 PROSPECTIVE JUROR NO. 1: State.

6 THE COURT: Was it here in Brooklyn?

7 PROSPECTIVE JUROR NO. 1: No, in Queens.

8 THE COURT: Without telling us the verdict were you  
9 and the other jurors able to reach a verdict?

10 PROSPECTIVE JUROR NO. 1: Of course. We were  
11 anonymous.

12 THE COURT: 11?

13 PROSPECTIVE JUROR NO. 1: Involvement in litigation,  
14 no, not at all.

15 THE COURT: Not as a party or as a witness?

16 PROSPECTIVE JUROR NO. 1: No. I was subpoenaed to  
17 go but it never came to fruition.

18 THE COURT: Subpoenaed as a witness?

19 PROSPECTIVE JUROR NO. 1: As a witness, yes, for my  
20 job.

21 THE COURT: As a nurse?

22 PROSPECTIVE JUROR NO. 1: Yes.

23 THE COURT: All right.

24 PROSPECTIVE JUROR NO. 1: I do watch MSNBC, Channel  
25 7, Channel 2.

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1 THE COURT: These are your news sources?

2 PROSPECTIVE JUROR NO. 1: Yes. And cable television  
3 I do Netflix and Hulu. NCIS.

4 THE COURT: So you watch NCIS?

5 PROSPECTIVE JUROR NO. 1: I watch NCIS, I watch  
6 Chicago Fire, I watch Chicago PD. It's just entertainment.  
7 Social media, I only barely do Facebook.

8 THE COURT: What do you use Facebook for?

9 PROSPECTIVE JUROR NO. 1: Just to keep up, I follow  
10 closely and if I have a comment, I give one but that's it. On  
11 organization membership, I belong to the American Nurses  
12 Association.

13 THE COURT: Thank you very much, Juror No. 1. If  
14 you will pass the mic to Juror No. 2.

15 Ms. Fischer, take it away.

16 PROSPECTIVE JUROR NO. 2: I live in Nassau County  
17 for 38 years. I have a Bachelor's degree. I have not done  
18 any military service. I am currently employed with a  
19 nonprofit agency doing quality enhancement.

20 THE COURT: What is the agency?

21 PROSPECTIVE JUROR NO. 2: YAI.

22 THE COURT: What does that stand for if you know.

23 PROSPECTIVE JUROR NO. 2: It stands for Young Adult  
24 Institute, but we've been around for a while.

25 THE COURT: Formerly young. We all feel that way.

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1 PROSPECTIVE JUROR NO. 2: I've been there for 16  
2 years. I do not have a spouse. I do not have any children.  
3 My mother is in my household and she is a nurse. I have no  
4 legal knowledge. My brother-in-law is a lawyer. He is an  
5 attorney. He works for the Department of State, for New York  
6 State.

7 THE COURT: And do you know what he does there?

8 PROSPECTIVE JUROR NO. 2: He seems to do a little  
9 bit of everything. Like, he has -- sometimes with the  
10 Athletic Commission doing stuff with the boxing, but, yeah,  
11 his hands seem to be in a bunch of things but the most I know  
12 about it is the Athletic Commission.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 2: I have done jury service  
15 before. I served on a case about four years ago. It wasn't  
16 criminal. It was I think it was -- I'm not sure what to call  
17 it, but we reached a verdict.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 2: I haven't had any  
20 involvement in litigation. Mostly Channel 7, ABC News for my  
21 news resources. I usually just watch them all. Netflix,  
22 Hulu. All of them pretty much.

23 THE COURT: Are there particular shows you watch?

24 PROSPECTIVE JUROR NO. 2: I'm more of a Bridgerton  
25 person, not the crime shows.

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1 THE COURT: All right.

2 PROSPECTIVE JUROR NO. 2: Social media mostly  
3 Facebook and Instagram. I'm not sure how the other ones work.  
4 And I'm not in any organized membership.

5 THE COURT: Do you do any blogging on social media?

6 PROSPECTIVE JUROR NO. 2: No.

7 THE COURT: To go back to the prior jury service do  
8 you remember if it was federal or state?

9 PROSPECTIVE JUROR NO. 2: It was federal in Central  
10 Islip.

11 THE COURT: You think it was a civil matter because  
12 it wasn't criminal?

13 PROSPECTIVE JUROR NO. 2: Correct.

14 THE COURT: Thank you very much Juror No. 3  
15 Ms. Dawkins?

16 PROSPECTIVE JUROR NO. 3: The place I currently live  
17 is in Brooklyn. I've been living there for twelve years. I  
18 have an Associate's in criminal justice. No military service.  
19 I'm employed by the DOI, New York City DOI.

20 THE COURT: What is your title again?

21 PROSPECTIVE JUROR NO. 3: Confidential investigator.

22 THE COURT: How long have you been there?

23 PROSPECTIVE JUROR NO. 3: Six months.

24 THE COURT: And before that, did you work anywhere  
25 else?

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1 PROSPECTIVE JUROR NO. 3: The New York City Human  
2 Resources Administration, HRA.

3 THE COURT: And what did you do there?

4 PROSPECTIVE JUROR NO. 3: I would say a clerk.

5 THE COURT: And how long were you there?

6 PROSPECTIVE JUROR NO. 3: Six years.

7 THE COURT: Okay. All right. Spouse or partner?

8 PROSPECTIVE JUROR NO. 3: My husband is an  
9 electrician. I have an 11 year-old.

10 THE COURT: Not working yet, right?

11 PROSPECTIVE JUROR NO. 3: No.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 3: And my mom lives with us  
14 and she's a home health aide. The legal knowledge is just  
15 based on my schooling.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 3: The only relationship with  
18 lawyers is my supervisor is a lawyer.

19 THE COURT: Your current supervisor?

20 PROSPECTIVE JUROR NO. 3: Yeah.

21 THE COURT: That is the only person you know who's a  
22 lawyer?

23 PROSPECTIVE JUROR NO. 3: And that's another lawyer  
24 in the office.

25 THE COURT: Okay. Could we go back one minute about

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1 your education, did you have a particular focus when you were  
2 studying criminal justice? I'm just wondering if there's a  
3 specialty or some subcategory or subject you specialized in?

4 PROSPECTIVE JUROR NO. 3: No.

5 THE COURT: All right.

6 PROSPECTIVE JUROR NO. 3: The jury service about six  
7 years ago I was excused to be a juror.

8 THE COURT: Where were you called for jury service?

9 PROSPECTIVE JUROR NO. 3: The state.

10 THE COURT: All right.

11 PROSPECTIVE JUROR NO. 3: No involvement in  
12 litigation and I really don't watch the news. I try not to  
13 watch news in regards to television. I mostly watch YouTube  
14 and watching people travel the world and eat food. I'm not  
15 really active on social media. I have an Instagram and it's  
16 probably three posts up. Around I'm not related to any  
17 organization or any memberships.

18 THE COURT: Okay. Thank you very much, Ms. Dawkins.  
19 Next Juror No. 4, Ms. Chang?

20 PROSPECTIVE JUROR NO. 4: For number one, I live in  
21 Flushing, Queens for about twelve years. Number 2, I have a  
22 Bachelor/s degree in accounting.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 4: Number three, no. Number  
25 four, I'm working at a shipping company for about nine years.



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1 THE COURT: And what's the name of the company?

2 PROSPECTIVE JUROR NO. 4: It's called Future

3 Maritime Group.

4 THE COURT: Future Maritime Group?

5 PROSPECTIVE JUROR NO. 4: Yes.

6 THE COURT: And so the record is clear, number three  
7 is no military service, right?

8 PROSPECTIVE JUROR NO. 4: Yes.

9 THE COURT: How long have you been at your current  
10 job?

11 PROSPECTIVE JUROR NO. 4: Nine years.

12 THE COURT: Are you an accountant there?

13 PROSPECTIVE JUROR NO. 4: No.

14 THE COURT: What do you do?

15 PROSPECTIVE JUROR NO. 4: Operator.

16 THE COURT: So you help run the business?

17 PROSPECTIVE JUROR NO. 4: A little bit.

18 THE COURT: Do you operate a machine?

19 PROSPECTIVE JUROR NO. 4: No, it's just deal with  
20 the customers and the -- like, another company.

21 THE COURT: Got it, okay.

22 PROSPECTIVE JUROR NO. 4: Number five, yes, my  
23 husband working in liquor store as a cashier.

24 THE COURT: Go ahead.

25 PROSPECTIVE JUROR NO. 4: I have one child. He is

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1 now seven years old.

2 THE COURT: Definitely not working. All right.

3 PROSPECTIVE JUROR NO. 4: Also, my mom-in-law live  
4 with us.

5 THE COURT: Okay. And does she work outside the  
6 home?

7 PROSPECTIVE JUROR NO. 4: No. Number eight, no.

8 THE COURT: I imagine your mother is babysitting  
9 your seven year-old. That's a real job.

10 PROSPECTIVE JUROR NO. 4: Number nine, no, we didn't  
11 have any family member who is a lawyer.

12 THE COURT: Or any friends who are lawyers?

13 PROSPECTIVE JUROR NO. 4: No. Number ten, I think  
14 it's about six years ago I served as a juror in the state.

15 THE COURT: Criminal or civil?

16 PROSPECTIVE JUROR NO. 4: It's civil.

17 THE COURT: And were you and the other jurors able  
18 to reach a verdict, without telling us what it was?

19 PROSPECTIVE JUROR NO. 4: No.

20 THE COURT: Do you know if it was declared a hung  
21 jury or undecided, or did it settle before you were asked to  
22 reach a verdict? Do you remember?

23 PROSPECTIVE JUROR NO. 4: No.

24 THE COURT: But you don't recall reaching a verdict?

25 PROSPECTIVE JUROR NO. 4: No.

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1 THE COURT: Okay. Have you ever been involved in  
2 litigation yourself?

3 PROSPECTIVE JUROR NO. 4: No.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 4: Number 12, news sources --  
6 I don't watch any news.

7 THE COURT: Do you watch any news?

8 PROSPECTIVE JUROR NO. 4: No.

9 THE COURT: Do you listen to anything or read  
10 anything for news?

11 PROSPECTIVE JUROR NO. 4: Just sometimes on the work  
12 site.

13 THE COURT: At the work site?

14 PROSPECTIVE JUROR NO. 4: Yes.

15 THE COURT: Do you have any particular source of  
16 news that you use?

17 PROSPECTIVE JUROR NO. 4: No.

18 THE COURT: Okay. All right. Shows that you watch?

19 PROSPECTIVE JUROR NO. 4: No.

20 THE COURT: Nothing in particular?

21 PROSPECTIVE JUROR NO. 4: No.

22 THE COURT: Social media?

23 PROSPECTIVE JUROR NO. 4: I just use the Facebook  
24 sometimes.

25 THE COURT: And what do you use it for? Do you post

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1 any comments or do you just --

2 PROSPECTIVE JUROR NO. 4: I just look at the  
3 comments from my other friends. I don't post anything.

4 THE COURT: Organizational memberships?

5 PROSPECTIVE JUROR NO. 4: I'm not a member of any  
6 organization.

7 THE COURT: Thank you very much, Ms. Chang.

8 Mr. Corbet, No. 5.

9 PROSPECTIVE JUROR NO. 5: I live in Brooklyn, New  
10 York for nine years. Previous to that to that I was in the  
11 State of Pennsylvania. I have a Bachelor's degree in  
12 economics, a master's degree in English and a Ph.D. in  
13 rhetoric. No military service. I'm currently employed at the  
14 City University of New York as a professor. I have a domestic  
15 partner. They do not work outside of the home.

16 THE COURT: Go back for a minute. You're a  
17 professor teaching what?

18 PROSPECTIVE JUROR NO. 5: Writing.

19 THE COURT: All right.

20 PROSPECTIVE JUROR NO. 5: I have two children, 15  
21 and 8, both in New York City public schools. No other  
22 employed adults in the household. I have never practiced law  
23 or anything like that.

24 THE COURT: You never studied it along the way with  
25 all of those degrees?

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1 PROSPECTIVE JUROR NO. 5: I did case studies, but  
2 not doing the legal framework.

3 THE COURT: Just criticizing the writing?

4 PROSPECTIVE JUROR NO. 5: The rhetoric of law at  
5 times, you know, the argumentation.

6 THE COURT: It can be a little turgid, right?

7 PROSPECTIVE JUROR NO. 5: A professor of rhetoric  
8 and a lawyer have a bit in common.

9 THE COURT: Sometimes. Okay. Go ahead.

10 PROSPECTIVE JUROR NO. 5: Well, my most recent  
11 ex-girlfriend was a lawyer, but other than that just a lot of  
12 peripheral relationships.

13 THE COURT: What kind of law did the ex practice, if  
14 you remember?

15 PROSPECTIVE JUROR NO. 5: IP law.

16 THE COURT: Intellectual property?

17 PROSPECTIVE JUROR NO. 5: Yes.

18 THE COURT: The other lawyers?

19 PROSPECTIVE JUROR NO. 5: Also IP and judges, but  
20 that's in the periphery not in New York. I have actually  
21 never served on a jury.

22 THE COURT: Or a grand jury?

23 PROSPECTIVE JUROR NO. 5: Or a grand jury although I  
24 was excused from grand jury service about four years ago in  
25 Kings County. I have a lot of class action lawsuit

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1 participation; hey, you ate tainted tuna, do you want two free  
2 cans, that kind of thing.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 5: News. I subscribe to the  
5 Wall Street Journal and the New York Times. The Washington  
6 Post I cancelled that. CNN, Fox News, MSNBC. I'm embarrassed  
7 but also the New York Post and the New York Daily News. TV  
8 shows I try to avoid but my partner is a vast consumer. So I  
9 do watch by periphery. No radio. Just, you know, occasional  
10 online magazines that show up in my news feed websites. I  
11 guess Reddit, community blogs. Television -- you know,  
12 whatever series, you know, Bridgerton or she wants to line up,  
13 I will sit in with.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 5: I find actually courtroom  
16 and law procedurals to be really insufferable, but I'm  
17 familiar with the Law and Order universe.

18 THE COURT: The mega universe?

19 PROSPECTIVE JUROR NO. 5: Yes, mega universe.

20 Social media, I guess Facebook, Instagram, LinkedIn,  
21 Discord, and Reddit. As far as organizational memberships,  
22 just a few professional organizations that I have to be a part  
23 of.

24 THE COURT: Do you do any posting on social media?

25 PROSPECTIVE JUROR NO. 5: Rarely, but I am working

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1 with Brick Media to develop a podcast.

2 THE COURT: About?

3 PROSPECTIVE JUROR NO. 5: Essentially helping my  
4 students a few years later advance their careers, wrangle  
5 through complex decisionmaking processes.

6 THE COURT: And then one question for you about  
7 grand jury. You said you were excused from it?

8 PROSPECTIVE JUROR NO. 5: Yes.

9 THE COURT: Why was it, if you know, that you were  
10 excused from it?

11 PROSPECTIVE JUROR NO. 5: I was going through a  
12 difficult marital separation at the time.

13 THE COURT: Thank you very much.

14 Juror No. 6, Mr. Kresowaty.

15 PROSPECTIVE JUROR NO. 6: Yes, that's correct.

16 Residency is in Queens. I've been there all of my  
17 life. Education, I have a Master's of Art in urban studies.  
18 Military service I served in the United States Navy along with  
19 the Reserves for six years. Employment, I'm retired, but I  
20 worked for the New York State Department of Health, the Office  
21 of Professional Medical Conduct as a senior medical conduct  
22 investigator. Spouse/partner, I don't have any. Children,  
23 none. There are employed adults in the household, none.  
24 Legal knowledge, just from studies and that's it.

25 THE COURT: When you say studies, was there a

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1 particular area that you studied?

2 PROSPECTIVE JUROR NO. 6: Basically introductory to  
3 law in college.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 6: Relationships with  
6 lawyers, my brother was an administrative judge with the New  
7 York State Department of Social Services. He's retired also.

8 THE COURT: All right.

9 PROSPECTIVE JUROR NO. 6: Jury service, I was  
10 involved with a civil case. I was going to be a juror, but  
11 they settled before the trial.

12 THE COURT: All right.

13 PROSPECTIVE JUROR NO. 6: Involvement in litigation,  
14 none. My news sources are from New York 1, watching YouTube  
15 and Channel 7, et cetera. Television cable streaming  
16 services, basically YouTube. That's it. I don't watch  
17 courtroom drama or anything like that.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 6: Social media, Facebook.  
20 My family members are on there so occasionally I comment.  
21 That's it. Organizational memberships, none.

22 THE COURT: Thank you, Mr. Kresowaty.

23 PROSPECTIVE JUROR NO. 6: Thank you.

24 THE COURT: Next, Juror No. 7, Mr. Chen.

25 PROSPECTIVE JUROR NO. 7: I recently moved from



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1 Nassau County and I do have a two-year college Associate  
2 Degree and I'm working with CPI doing mobile engineering and  
3 my wife is a house maker and I have one son, four years old.

4 THE COURT: So you have a wife, but she does not  
5 work outside the home?

6 PROSPECTIVE JUROR NO. 7: Yes.

7 THE COURT: And she takes care of your four year-old  
8 son?

9 PROSPECTIVE JUROR NO. 7: Yes.

10 THE COURT: Other adults you live with?

11 PROSPECTIVE JUROR NO. 7: No.

12 THE COURT: Go ahead.

13 PROSPECTIVE JUROR NO. 7: I don't practice any law  
14 or class and I don't have any member or friends that is  
15 lawyer. And I don't do jury service in the past.

16 THE COURT: No grand jury either?

17 PROSPECTIVE JUROR NO. 7: No. I do have a lawsuit  
18 about a car accident.

19 THE COURT: Were you --

20 PROSPECTIVE JUROR NO. 7: I'm one of the parties.

21 THE COURT: Are you a plaintiff or defendant?

22 PROSPECTIVE JUROR NO. 7: Plaintiff.

23 THE COURT: Have you had to go to court for that?

24 PROSPECTIVE JUROR NO. 7: Not yet.

25 THE COURT: Do you have a lawyer that's representing

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1 you in that car accident case?

2 PROSPECTIVE JUROR NO. 7: Yes.

3 THE COURT: One last question, do you know if that's  
4 happening in --

5 PROSPECTIVE JUROR NO. 7: Two months ago.

6 THE COURT: But in Brooklyn or --

7 PROSPECTIVE JUROR NO. 7: In Garden City.

8 THE COURT: All right.

9 PROSPECTIVE JUROR NO. 7: I don't watch much TV and  
10 I listen to the radio on the road and not much television and  
11 I do use WeChat a Chinese app for news and I don't have any  
12 organizational membership.

13 THE COURT: All right. Thank you very much  
14 Mr. Chen. Pass the microphone to the back row to Juror No. 8,  
15 Mr. Price.

16 PROSPECTIVE JUROR NO. 8: Yes, I live in Brooklyn  
17 all of my life. 59 years. Education, I have an Associate's  
18 degree in computer science and local area networking. No  
19 military service. Currently employed with New York City  
20 Transit as a train operator for nine years. No spouse. I  
21 have three children. My oldest December is 24, my son. He  
22 works at Costco doing stock and I have two younger daughters  
23 as well, 13 and -- 15 and 9, sorry.

24 THE COURT: Could we go back for one minute to your  
25 employment? Before Transit did you work somewhere else?

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1 PROSPECTIVE JUROR NO. 8: Before Transit I worked  
2 for the New York City Veteran's Home in St. Albans.

3 THE COURT: What did you do there?

4 PROSPECTIVE JUROR NO. 8: I was a supervisor for the  
5 supply clerks.

6 THE COURT: All right. Do you live with any other  
7 assaults, number seven?

8 PROSPECTIVE JUROR NO. 8: No.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 8: My legal knowledge is just  
11 Law and Order on TV. No relationship with lawyers. I did  
12 jury duty seven or eight years ago, but it was a civil case  
13 and they settled out of court so we didn't get to do anything.  
14 No involvement in litigation. News, I watch the news  
15 sometimes, Channel 7, Channel 4. Television, every now and  
16 then, you know, a good movie. Beats was pretty good. I just  
17 watched that the other day.

18 THE COURT: You can get that online?

19 PROSPECTIVE JUROR NO. 8: Yes, Fire Stick.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 8: Social media, I do  
22 Facebook and Instagram now and then. I don't post too much  
23 unless it's somebody's birthday and I'm not a member of any  
24 organizational membership.

25 THE COURT: Thank you, Mr. Price.

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1 Juror No. 9, Ms. Ramos.

2 PROSPECTIVE JUROR NO. 9: I live in Sunnyside  
3 Queens. I've lived there my whole life. I have my  
4 Associate's in business administration. No military service.  
5 I have been working for my father's company for about ten  
6 years. I'm a secretary.

7 THE COURT: What kind of a company is it?

8 PROSPECTIVE JUROR NO. 9: It's a moving company.

9 THE COURT: All right.

10 PROSPECTIVE JUROR NO. 9: No spouse, no children. I  
11 live with my parents. My mother doesn't work outside the  
12 home. My father obviously works for his own company. No  
13 legal knowledge. No relationship to lawyers and I have not  
14 served on a jury nor grand jury. No litigations. I watch the  
15 news sometimes, Channel 7, and sometimes -- if I watch  
16 anything it's mostly true crime documentaries. For social  
17 media, it's Twitter or Instagram but I don't post. I just  
18 browse and I'm not part of any organizations.

19 THE COURT: Thank you very much. Efficiently done,  
20 Ms. Ramos.

21 Number 10, Mr. Hess?

22 PROSPECTIVE JUROR NO. 10: I live in Woodside,  
23 Queens for three years. Before that Brooklyn for three years  
24 and before that Manhattan for six years. Education, I have a  
25 business and politics bachelor degrees. No military service

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1 although my girlfriend is a military widow. Employment, I run  
2 a small retail business as well as a coaching business as  
3 well.

4 THE COURT: What kind of retail business?

5 PROSPECTIVE JUROR NO. 10: Hockey and figure skating  
6 equipment.

7 THE COURT: And the coaching?

8 PROSPECTIVE JUROR NO. 10: Also hockey and figure  
9 skating. No children, no spouse, although I do live with my  
10 girlfriend.

11 THE COURT: Back to your employment how long have  
12 you been in the retail and coaching business?

13 PROSPECTIVE JUROR NO. 10: I've been doing the  
14 retail for about twelve years now. Coaching I've been doing  
15 since I was 18, somewhere around there. No children.  
16 Obviously live with the girlfriend at home. Legal knowledge,  
17 I took the LSAT a few times when I was younger but decided  
18 against law school. I did not want the loans.

19 THE COURT: Understandable.

20 PROSPECTIVE JUROR NO. 10: The relationship to  
21 lawyers, I do have a couple of friends who are lawyers. One  
22 is in patent law. The other one just started so he's a paper  
23 pusher. I don't know what he does specifically.

24 THE COURT: What paper does he push?

25 PROSPECTIVE JUROR NO. 10: I don't know. He doesn't

## Jury Selection

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1 go into detail. More often they complain about what they're  
2 doing more than anything. Jury service I have not. Involved  
3 in litigation, no. News sources, I try not to keep it to one  
4 particular -- it's you know, the BBC, CNN, Fox, usually try to  
5 get as many different sides of things as possible. Television  
6 and streaming services, you know, Netflix. My girlfriend  
7 loves Asian dramas, so lots of those. Just got done watching  
8 Better Call Saul which is also good.

9 Social media, not a whole lot outside of just  
10 business aspects. Facebook, you know, Instagram and that type  
11 of thing, but not really personal usually and the only  
12 organizational memberships are usually coaching-involved  
13 organizations.

14 THE COURT: To go back for a minute, you may have  
15 said this does your girlfriend work outside of the home?

16 PROSPECTIVE JUROR NO. 10: She's basically a figure  
17 coach as well. She handled the figure side and I handle the  
18 hockey side.

19 THE COURT: Okay. Juror No. 11 Ms. Ferrer?

20 PROSPECTIVE JUROR NO. 11: I live in Staten Island  
21 for 25 years. A high school graduate. No military service.  
22 I am currently employed for a dialysis clinic in Staten  
23 Island. No spouse.

24 THE COURT: Go back for a minute. How long have you  
25 been at the dialysis clinic?

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1 PROSPECTIVE JUROR NO. 11: Almost a year. About to  
2 be a year in a few days.

3 THE COURT: What do you do there?

4 PROSPECTIVE JUROR NO. 11: Admissions coordinator.

5 THE COURT: Before that?

6 PROSPECTIVE JUROR NO. 11: I worked at LabQuest as a  
7 lab tech.

8 THE COURT: Spouse or partner?

9 PROSPECTIVE JUROR NO. 11: No spouse or children. I  
10 live with my mother and aunt. They're both retired.

11 THE COURT: What did they do before they retired  
12 if --

13 PROSPECTIVE JUROR NO. 11: My aunt was a nurse and  
14 my mother was a dialysis technician. I have no legal  
15 knowledge. No relationships with lawyers. I never served on  
16 a jury or grand jury. No involvement in litigation. I don't  
17 really watch the news. I don't have cable. I have Netflix,  
18 Hulu, the same as everybody else. Social media, Facebook,  
19 Instagram, mostly keep in touch with family in the Philippines  
20 and no organizational membership.

21 THE COURT: Go back for a minute to Netflix or Hulu.  
22 Do you watch any particular shows?

23 PROSPECTIVE JUROR NO. 11: Whatever is trending.  
24 Right now Dahmer.

25 THE COURT: Dahmer?

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1 PROSPECTIVE JUROR NO. 11: Yes.

2 THE COURT: Thank you very much, Juror No. 11.

3 Juror No. 12, Mr. Roopnauth.

4 Just in case you're wondering about the timeline in  
5 general. We need to get this set of questions with everyone  
6 else on that side of the room and we'll be close to being done  
7 after that.

8 PROSPECTIVE JUROR NO. 12: I live in Nassau for two  
9 years.

10 THE COURT: We have a court reporter who is  
11 transcribing every word that's being said. So go slower and  
12 speak louder.

13 PROSPECTIVE JUROR NO. 12: Hempstead, Nassau.  
14 Before that Queens, Queens, New York. Richmond Hill for 17  
15 years. Education go ahead, no military. Employment, New York  
16 Presbyterian for 11 years.

17 THE COURT: What do you do?

18 PROSPECTIVE JUROR NO. 12: I work in the linen  
19 department.

20 THE COURT: The linen -- got it.

21 PROSPECTIVE JUROR NO. 12: My spouse works at Mount  
22 Sinai for eight years as a tech in the CAT lab.

23 THE COURT: C-A-T?

24 PROSPECTIVE JUROR NO. 12: Yes. Children, three  
25 kids, two sons, one daughter, 18, 26, 27.



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1 THE COURT: Do they work outside the home?

2 PROSPECTIVE JUROR NO. 12: Yes, my daughter also  
3 works at New York Presbyterian in the OR department admitting  
4 and discharge. My son works at Mount Sinai also. He's an  
5 electrical engineer there.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 12: Number seven, no other  
8 employ, no. No other adults who work outside the home. No  
9 jury service for number ten. Number eleven, no involvement in  
10 legal. Number 12, I don't watch news. I don't like the news.  
11 13, television, I have Netflix and Prime.

12 THE COURT: Are there shows you watch regularly?

13 PROSPECTIVE JUROR NO. 12: Just basically movies.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 12: No social media, just  
16 Facebook basically just to keep in touch with family and  
17 friends. No organization membership;

18 THE COURT: Thank you very much Mr. Roopnauth.

19 Number 13, Mr. Dean.

20 PROSPECTIVE JUROR NO. 13: I live in Nassau County  
21 for the last 30 years. Education, BS in economics. No  
22 military service. Currently self-employed, real estate  
23 broker.

24 THE COURT: How long have you been doing that?

25 PROSPECTIVE JUROR NO. 13: The last 20 years.

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1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 13: Married. My wife does  
3 not work outside of the house. Three children; 28, 24 and 23.  
4 They all -- one works from the house, but they all work  
5 outside of the house.

6 THE COURT: And what do they do?

7 PROSPECTIVE JUROR NO. 13: One works for Deloitte on  
8 the consulting side and the other is an accountant and the  
9 other works in the travel business, the travel industry.

10 THE COURT: All right.

11 PROSPECTIVE JUROR NO. 13: No other employed adults  
12 in the household. No legal knowledge. My father was an  
13 attorney, but he's long since passed.

14 THE COURT: What kind of law did he practice?

15 PROSPECTIVE JUROR NO. 13: Corporate. Jury service,  
16 twelve years ago, state criminal case and we did reach a  
17 verdict. Not involved in any litigation. News, Fox, network  
18 news. Television, I don't watch too much shows, occasionally  
19 Blue Bloods. I am not on social media and I'm a member of a  
20 CIBS, Commercial Industrial Brokerage Society.

21 THE COURT: Thank you very much, Mr. Dean.

22 Juror No. 14, Ms. Nzirubusa?

23 PROSPECTIVE JUROR NO. 14: I live in Queens for the  
24 last twelve years. I have a Bachelor's degree in nursing. No  
25 military service. I'm employed by the Department of Health of

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1 New York City for the last five years. Previous to that, I  
2 was at New York Presbyterian and previous to that was the  
3 Department of Health again.

4 THE COURT: And what do you do for the Department of  
5 Health?

6 PROSPECTIVE JUROR NO. 14: I'm a supervisor for a  
7 program that the Department of Health runs.

8 THE COURT: And what does the program do?

9 PROSPECTIVE JUROR NO. 14: We work with first time  
10 moms, pregnant moms, to give them support through the  
11 pregnancy until the baby turns two.

12 THE COURT: Spouse or partner?

13 PROSPECTIVE JUROR NO. 14: My husband is employed.  
14 He's an economist. He works for a major financial institution  
15 as a manager.

16 THE COURT: Which one?

17 PROSPECTIVE JUROR NO. 14: J.P. Morgan.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 14: Children, I have two,  
20 both of them in college. One is studying history and labor  
21 law and the other one is undecided on what he wants to do. He  
22 just started first year.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 14: No one else in my  
25 household and no legal knowledge. Relationship with lawyers,

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1 my brother is a lawyer that doesn't practice, but he lives  
2 overseas.

3 THE COURT: I see, okay.

4 PROSPECTIVE JUROR NO. 14: Never have a chance to do  
5 jury service. No involvement in litigation. News, NPR and  
6 network news. That's basically it. Streaming services, I  
7 think we have all of them at home. I don't watch it, but my  
8 kids do.

9 THE COURT: No shows?

10 PROSPECTIVE JUROR NO. 14: Just like Bachelorette.  
11 Nothing good. Social media, I have Facebook, Twitter and  
12 Instagram, but they're inactive. My kids they handle that.  
13 Organizational membership, none.

14 THE COURT: Okay. Thank you very much  
15 Ms. Nzirubusa.

16 Let's go now to 15, Ms. Parola?

17 PROSPECTIVE JUROR NO. 15: I currently live in  
18 Brooklyn. I've been living in Brooklyn for about four years.  
19 Previously I was in Queens for two years. I have a BFA in  
20 dance. No military service. I am currently a freelance  
21 dancer and I also work at a climbing gym and at a brewery. My  
22 partner is a climbing coach and a personal trainer. We have  
23 no children and no other employed adults in the home. No  
24 legal knowledge or formal training there. No relationships  
25 with lawyers. No jury service of any kind or involvement in

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1 litigation. News, I predominantly consume that through NPR  
2 and Crooked Media podcasts as well as New York Times. I watch  
3 very little television. Social media, Instagram for the most  
4 part and no organizational membership.

5 THE COURT: Thank you very much Ms. Parola. Very  
6 efficient as well.

7 Ms. Mattina, 16?

8 PROSPECTIVE JUROR NO. 16: I currently live in  
9 Queens for the last six years. Prior to that, I lived in  
10 Brooklyn for 30 years. I have a high school diploma. No  
11 military service. I'm currently employed by a grocery chain  
12 for the last three and a half years. Prior to that, I worked  
13 40 years at various brokerage firms.

14 THE COURT: And what do you do now for the grocery  
15 store?

16 PROSPECTIVE JUROR NO. 16: Stock shelves and  
17 register basically.

18 THE COURT: And, before, what did you do for  
19 brokerage firms?

20 PROSPECTIVE JUROR NO. 16: I dealt with dividends  
21 and income disbursement and corporate actions.

22 THE COURT: All right. Spouse or partner?

23 PROSPECTIVE JUROR NO. 16: Excuse me?

24 THE COURT: Do you have a spouse or partner?

25 PROSPECTIVE JUROR NO. 16: Legally I have a partner

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1 but we haven't lived to go for eight years, but he's currently  
2 retired.

3 THE COURT: What did he do before retirement?

4 PROSPECTIVE JUROR NO. 16: He worked for Accounts  
5 receivable for a law firm.

6 THE COURT: Which one?

7 PROSPECTIVE JUROR NO. 16: Milbank, Tweed.

8 THE COURT: I've heard of it.

9 PROSPECTIVE JUROR NO. 16: We have a child. He's  
10 33. He's currently an adjunct with SUNY.

11 THE COURT: What does he teach?

12 PROSPECTIVE JUROR NO. 16: Classic literature and  
13 writing. No other employed adults. No legal knowledge. My  
14 first cousin's husband is a lawyer. He's retired right now  
15 and last I knew he worked for the commodity exchange and an  
16 ex-brother-in-law, he's also retired. He was a defense  
17 attorney.

18 THE COURT: And where was he a defense attorney?

19 PROSPECTIVE JUROR NO. 16: Up in Peakskill, New  
20 York.

21 THE COURT: All right.

22 PROSPECTIVE JUROR NO. 16: Jury service, I was  
23 second alternate in a federal case in this building about 30  
24 years ago.

25 THE COURT: Wow.

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1 PROSPECTIVE JUROR NO. 16: I wasn't involved in  
2 deliberations. I was excused. As I mentioned prior, there  
3 was two litigations one I mentioned where the attorney  
4 embezzled the funds.

5 THE COURT: Right.

6 PROSPECTIVE JUROR NO. 16: And currently I'm in  
7 litigation for a car accident in January.

8 THE COURT: Where is that being litigated?

9 PROSPECTIVE JUROR NO. 16: Nassau County, I believe.

10 THE COURT: You were the plaintiff or the defendant?

11 PROSPECTIVE JUROR NO. 16: I was the victim.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 16: News, I just peruse,  
14 like, the New York Post, just for breaking news. That's  
15 basically it. Television, I prefer British shows, mysteries  
16 and comedies. I have Facebook. I don't participate too much.  
17 It's more of a watchdog, stay in touch. I belong to a  
18 wonderful Golden Age Club at my neighborhood church.

19 THE COURT: Terrific. Thank you very much  
20 Ms. Mattina.

21 Next we have Ms. Yepez.

22 PROSPECTIVE JUROR NO. 17: I live in Astoria, Queens  
23 for more than 20 years. Education, high school. No military.  
24 I'm employed by the DOE. I'm a school lunch helper a/k/a  
25 lunch lady.

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1 THE COURT: And DOE, Department of Education?

2 PROSPECTIVE JUROR NO. 17: Yes.

3 THE COURT: How long have you been doing that?

4 PROSPECTIVE JUROR NO. 17: Eight years. I'm not  
5 married. I don't have children. I live with my mother who is  
6 not employed and I don't really know much about legal stuff.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 17: No relationships with a  
9 lawyer or anything like that. I have done jury duty, but I've  
10 never been picked as a juror.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 17: Litigation, when I was  
13 small, seven or eight, there was a car accident my parents  
14 sued and they got money and that's about it that I remember.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 17: News, I watch New York 1  
17 that's about it. Television, Netflix, Google, Hulu and I  
18 watch It's Always Sunny, Witcher and the Goblin. Social  
19 media, I have a Facebook but I haven't used it in years.  
20 Instagram, I like to look at the travel posts and I do not  
21 belong to any organizations.

22 THE COURT: Thank you Ms. Yepez.

23 Juror 18, Ms. Cipriano.

24 PROSPECTIVE JUROR NO. 18: I've lived in Staten  
25 Island, New York for over 25 years. I went to business school



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1 for about ten months. I have no military service. I  
2 currently work for Skadden Arps.

3 THE COURT: What do you do there?

4 PROSPECTIVE JUROR NO. 18: I work for -- I'm  
5 administrative assistant.

6 THE COURT: How long?

7 PROSPECTIVE JUROR NO. 18: 20 years.

8 THE COURT: You said that. Go ahead.

9 PROSPECTIVE JUROR NO. 18: My husband, he works for  
10 Mercedes Benz in Brooklyn as an auto mechanic. I have three  
11 children, a set of twins, 14, boys, and a nine year-old little  
12 girl. Okay. No other adults in the household. Legal  
13 knowledge I just work with lawyers. Relationship to lawyers,  
14 my bosses.

15 THE COURT: And, so, are you in a particular section  
16 or department?

17 PROSPECTIVE JUROR NO. 18: I work for the white  
18 collar crime in the office of general counsel.

19 THE COURT: Are there particular lawyers you work  
20 with regularly?

21 PROSPECTIVE JUROR NO. 18: Both.

22 THE COURT: What are their names?

23 PROSPECTIVE JUROR NO. 18: I have for office of  
24 general counsel I work for Larry Spiegel. He's a partner in  
25 white collar and also for Office of General Counsel, I work

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1 for counsels -- I work for counsels -- for white collar I work  
2 for Chad Silverman and a few others.

3 THE COURT: Do you get involved much in the  
4 substance of what they're doing or what do you do exactly for  
5 them?

6 PROSPECTIVE JUROR NO. 18: More administrative, you  
7 know.

8 THE COURT: So what would be an example of something  
9 you would handle?

10 PROSPECTIVE JUROR NO. 18: Travel, expenses,  
11 sometimes document work. It depends on the day.

12 THE COURT: Do you talk to them much about the kinds  
13 of cases they're working on?

14 PROSPECTIVE JUROR NO. 18: There are days that we  
15 talk, there are days that= -- you know, they're always so  
16 busy -- yeah.

17 THE COURT: Something that I mentioned to others  
18 before, but I'm going to instruct the jurors on the law.  
19 Would you have any difficulty following the law as I instruct  
20 you and put out of your mind anything you might have heard  
21 about at your job?

22 PROSPECTIVE JUROR NO. 18: I don't think so.

23 THE COURT: Can you --

24 PROSPECTIVE JUROR NO. 18: Can I speak to you in  
25 private for one second?

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THE COURT: Sure, come on up.

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(Sidebar held outside of the hearing of the jury.)

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(Continued on next page.)

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## Jury Selection

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1 (The following sidebar took place outside the  
2 hearing of the jury.)

3 PROSPECTIVE JUROR NO. 18: I'm sorry, I didn't  
4 mention it before, but my white collar crime was involved in  
5 the Michael Nowak versus the US Government in Chicago. So it  
6 was about a month ago.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 18: So I'm not sure if it has  
9 any --

10 THE COURT: Anything to do with this?

11 PROSPECTIVE JUROR NO. 18: Right.

12 THE COURT: No, but more importantly since you work  
13 in a white collar unit it's important that you feel you can  
14 put out of your mind any of the stuff you know about the law,  
15 this area of the law, in assessing the facts of this case and  
16 applying the law as I instruct you. Do you think you could do  
17 that?

18 PROSPECTIVE JUROR NO. 18: That should be okay.

19 THE COURT: And there's no connection to that Nowak  
20 case?

21 PROSPECTIVE JUROR NO. 18: And also I just lost my  
22 dad seven days ago so I don't know if I would be handling  
23 things very well. We just buried him on Thursday, so I don't  
24 know if I'm fully --

25 THE COURT: Do you have concerns about your ability

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1 to focus right now?

2 PROSPECTIVE JUROR NO. 18: Right now it's all  
3 emotional right now, between my kids and my mom who's by  
4 herself right now. My apologies for not saying it before.

5 THE COURT: I am so sorry, but I want to be sure  
6 that you feel you can be here and focused on this case because  
7 it does require your attention while you're here do you feel  
8 you can do that?

9 PROSPECTIVE JUROR NO. 18: I don't know that. Every  
10 day is a different story right now.

11 THE COURT: Step away for one sec.

12 (Juror leaves sidebar.)

13 MS. KASSNER: The Government would move to strike  
14 her for cause. I think there's a concern she might not be  
15 able to focus on the trial given everything that she's going  
16 through.

17 MR. SINGER: I'm not sure it's a cause challenge,  
18 but on a human basis I would say let her go.

19 THE COURT: I am going to let her go. She does seem  
20 to be upset, understandably.

21 (Juror approaches.)

22 THE COURT: So just go down to the Jury Department.

23 I am sorry for your loss.

24 (Continued on the following page.)

25

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1 THE COURTROOM DEPUTY: Juror 40 replacing Juror 18,  
2 Eugenia Stapor.

3 THE COURT: So Ms. Stapor, before you take a seat is  
4 there anything that you want to talk about?

5 THE PROSPECTIVE JUROR: Can I talk to you for a  
6 second?

7 THE COURT: Yeah. Come up to the sidebar.

8 (Sidebar)

9 THE PROSPECTIVE JUROR: Okay. My English isn't  
10 perfect enough to take any decisions. I don't want to be  
11 confused because of the language is like not for me.

12 THE COURT: Okay. Have you understood everything  
13 that's been said so far?

14 THE PROSPECTIVE JUROR: Not much.

15 THE COURT: Okay. What's your country of origin?

16 THE PROSPECTIVE JUROR: I am from Poland.

17 THE COURT: How long have you lived here?

18 THE PROSPECTIVE JUROR: Fifteen years.

19 THE COURT: Have you worked outside?

20 THE PROSPECTIVE JUROR: No, I am in house.

21 THE COURT: Do you have much occasion to use English  
22 during the day?

23 THE PROSPECTIVE JUROR: Not much. So I am not sure  
24 what it do because I don't want to be confused and I don't  
25 want to make decisions without knowing what's going on.

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1 THE COURT: Do you remember what I said when I  
2 described this case? What it's about?

3 THE PROSPECTIVE JUROR: Yes, I remember.

4 THE COURT: What do you recall me saying?

5 THE PROSPECTIVE JUROR: Something about financial  
6 stuff.

7 THE COURT: Okay.

8 THE PROSPECTIVE JUROR: About crypto stuff.

9 THE COURT: And have you understood some of the  
10 answers that people have been giving?

11 THE PROSPECTIVE JUROR: Some of them, but not all of  
12 them.

13 THE COURT: Okay. Before you came here, did you  
14 study English?

15 THE PROSPECTIVE JUROR: No, never.

16 THE COURT: Okay. So you learned once you got here?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: And are you married?

19 THE PROSPECTIVE JUROR: Yes, I am married.

20 THE COURT: To an American citizen?

21 THE PROSPECTIVE JUROR: No. My husband is Polish.

22 THE COURT: I see.

23 THE COURT: Does he speak English?

24 THE PROSPECTIVE JUROR: Not at all.

25 THE COURT: So you don't use English in the house?

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1 THE PROSPECTIVE JUROR: No. Only my children speak  
2 English.

3 THE COURT: How old is your children?

4 THE PROSPECTIVE JUROR: My daughter is 23 and my son  
5 is 20.

6 THE COURT: They've been here for 17 years also?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: And they are fluent in English?

9 THE PROSPECTIVE JUROR: Of course.

10 THE COURT: Let me have you take a step to the side  
11 for a moment.

12 THE PROSPECTIVE JUROR: Yeah. Sure.

13 THE COURT: I mean, it's hard for me to say, folks,  
14 she seemed to have no problem understanding me right now and  
15 she has two children who she raised here, who she's been  
16 speaking English with, but her husband doesn't speak English  
17 and doesn't work outside of the home.

18 MR. SINGER: My concern is that she doesn't feel  
19 she's understanding.

20 THE COURT: And is a somewhat complicated case in  
21 certain ways, so I'm inclined to let her go.

22 MR. SINGER: I agree.

23 MS. KASSNER: Thank you.

24 THE COURT: Thank you.

25 Just go to the jury department and explain to them



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1 that you have some language issue.

2 THE PROSPECTIVE JUROR: Okay.

3 THE COURT: All right. Thank you.

4 THE PROSPECTIVE JUROR: Thank you.

5 (Sidebar ends)

6 THE COURTROOM DEPUTY: Juror 41, Mohamed Ameenla  
7 replacing Juror 18.

8 THE COURT: Do you have any positive responses to  
9 anything that was asked during the first round of questions?

10 THE PROSPECTIVE JUROR: No, Your Honor.

11 Your Honor, I am currently employed by the New  
12 York State Unified System and I work with the Deputy Chief  
13 Administrative Judge.

14 THE COURT: Okay. Let's have you come up to the  
15 sidebar for one second.

16 (Sidebar)

17 THE COURT: So you work for the administrative law  
18 judges?

19 THE PROSPECTIVE JUROR: She's the Deputy Chief  
20 Administrative Judge for New York State for Access of Justice.

21 THE COURT: How interesting.

22 THE PROSPECTIVE JUROR: Yeah.

23 THE COURT: I must confess, I don't know that much  
24 about the State structure.

25 What is your job?

Jury Selection

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1 THE PROSPECTIVE JUROR: I am an admin assistant and  
2 I work directly with one of the attorneys. We train newly  
3 admitted attorneys, consumer debt training. We have a  
4 consumer debt, family law --

5 THE COURT: So what subjects do your courts cover?

6 THE PROSPECTIVE JUROR: Well, the department that we  
7 are in, they cover family. Right now, because it's COVID,  
8 some of the programs are suspended. Family law, housing,  
9 consumer debt, and then we have consumer debt lawyers for the  
10 day training. They represent litigants who just -- they  
11 represent litigants just for the day. Just for that program.

12 THE COURT: Okay. Now, you obviously have extensive  
13 knowledge about the court system in general, right?

14 THE PROSPECTIVE JUROR: Yes, some. Yeah.

15 THE COURT: Bottom line, can you be fair and  
16 impartial in this case despite the fact that you have a lot of  
17 familiarity with courts and administrative proceedings?

18 THE PROSPECTIVE JUROR: Yes, I can.

19 THE COURT: It's okay, that you especially, and I  
20 hope you appreciate this, have to judge this case based solely  
21 on the evidence that's put forth during the trial and nothing  
22 else.

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: And the law, as I instruct it to you --

25 THE PROSPECTIVE JUROR: Yes.

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1 THE COURT: Can you do that as well.

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: And you can put out of your mind  
4 whatever else you may see in your normal work life and base  
5 your verdict solely on what happens here?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: You can do that?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Terrific.  
10 Any other responsibilities?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: Thank you.

13 THE PROSPECTIVE JUROR: Thank you.

14 THE COURT: So Juror Number 18, you get to answer  
15 the question that the others have, as well.

16 So Ms. Mohammed, I know you haven't had a chance to  
17 look at the questionnaire yet, so take your time.

18 Starting with question number one, what borough or  
19 town do you live in currently?

20 THE PROSPECTIVE JUROR: I live in Queens, New York.

21 THE COURT: How long?

22 THE PROSPECTIVE JUROR: For 18 years.

23 THE COURT: Okay. Formal education.

24 THE PROSPECTIVE JUROR: Associate's degree in  
25 computer science. No military service. I'm currently

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1 employed with the New York State Unified Court System for  
2 18 years. I have a spouse. He is a sales associate.

3 THE COURT: Go a little slower.

4 Do you have the microphone there? Just make sure  
5 you get close to it.

6 And as you know, we have a court reporter here  
7 transcribing everything, so go a tad slower.

8 Your spouse works as a sale associates?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: Where?

11 THE PROSPECTIVE JUROR: P.C. Richards.

12 THE COURT: How long?

13 THE PROSPECTIVE JUROR: Six years.

14 THE COURT: Okay. Children?

15 THE PROSPECTIVE JUROR: Yes. I do have a  
16 23-year-old son, 18-year-old daughter, and a 13-year-old  
17 daughter.

18 My son works for Jet Blue as a aircraft technician.  
19 My 18 year old is at Pace University, and the 13 year old is  
20 in middle school.

21 THE COURT: Do you have live with any other adults  
22 besides --

23 THE PROSPECTIVE JUROR: No.

24 Legal knowledge, I have some because I work for the  
25 courts.

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1 THE COURT: Okay. Did you ever study it independent  
2 of your work?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: Okay. Relationships with lawyers?

5 THE PROSPECTIVE JUROR: I have some lawyer friends,  
6 yes.

7 THE COURT: Okay. Outside of your work, do you have  
8 any other friends or family who are lawyers?

9 THE PROSPECTIVE JUROR: I have an ex-judge.

10 THE COURT: Okay. Where did that judge sit?

11 THE PROSPECTIVE JUROR: She's no longer a judge at  
12 the court, but she's a -- she works at Hofstra.

13 THE COURT: Does she teach?

14 THE PROSPECTIVE JUROR: She teaches law.

15 THE COURT: What kind of law?

16 THE PROSPECTIVE JUROR: I'm not sure.

17 THE COURT: Okay. All right. Jury service?

18 THE PROSPECTIVE JUROR: I've served at the state  
19 court I think about ten years ago, but I wasn't -- I was just  
20 waiting in the pool.

21 THE COURT: Okay.

22 THE PROSPECTIVE JUROR: Involved in litigation, no.

23 News, Channel 7, Channel 1. Television, I watch  
24 20/20, Lifetime.

25 Social media, Facebook, just for friends and family.

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1 THE COURT: All right.

2 THE PROSPECTIVE JUROR: And I am in no  
3 organizations, no membership.

4 THE COURT: All right. Thank you very much,  
5 Ms. Mohammed.

6 Juror Number 19, Mr. Duran.

7 THE PROSPECTIVE JUROR: I live in Queens, New York  
8 for all my 22 years.

9 Education, I graduated high school, but one class  
10 away from my associate's and then after that I'm going to work  
11 on my bachelor's.

12 THE COURT: And what will your associate's be in?

13 THE PROSPECTIVE JUROR: Math and science.

14 THE COURT: Okay.

15 THE PROSPECTIVE JUROR: No military service.

16 Employment, I work for Dick's Sporting Goods.

17 THE COURT: You work for?

18 THE PROSPECTIVE JUROR: Dick's Sporting Goods.

19 THE COURT: Oh, Dick's Sporting Goods. As a sale  
20 associates. Okay.

21 THE PROSPECTIVE JUROR: For a year and a half.

22 THE COURT: And anything before that?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Okay.

25 THE PROSPECTIVE JUROR: No spouse or partner.

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1 Definitely no children. I live with my parents. My dad is a  
2 truck driver who delivers shipments of fruit, and then my mom  
3 works with the kids on the school bus.

4 THE COURT: Okay.

5 THE PROSPECTIVE JUROR: Any legal knowledge, I never  
6 practiced law or anything like that.

7 THE COURT: Okay. No legal studies?

8 THE PROSPECTIVE JUROR: No.

9 All right. Relationship with lawyers, I have a  
10 friend who wants to be a lawyer. He just started today at his  
11 new job at a firm. I don't know the name of it. I got to ask  
12 him later.

13 THE COURT: You don't have to ask him.

14 Do you know what kind of law he is going to  
15 practice?

16 THE PROSPECTIVE JUROR: No. I didn't ask that.

17 THE COURT: Okay. Go ahead.

18 THE PROSPECTIVE JUROR: Jury service, this is my  
19 first time ever to reporting for jury duty.

20 THE COURT: You're having fun, too. I can tell.

21 THE PROSPECTIVE JUROR: No involvement in  
22 litigation.

23 News, I don't watch any news or anything like that.

24 THE COURT: Okay.

25 THE PROSPECTIVE JUROR: Services, I just watch

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1 YouTube. I watch video games and all that.

2 THE COURT: All right.

3 THE PROSPECTIVE JUROR: Social media, I use Twitter  
4 most of the time. I like -- it's funny watching people argue  
5 about stupid things and then as well as I collect --

6 THE COURT: You collect what?

7 THE PROSPECTIVE JUROR: I collect shoes, as well as  
8 resale. It's a hobby. It is not a job.

9 THE COURT: Hang on.

10 Do you ever get involved in the stupid commentary?

11 THE PROSPECTIVE JUROR: No, no, no. I just like  
12 watching them. I just like getting a good laugh at it.

13 THE COURT: Okay.

14 THE PROSPECTIVE JUROR: And as for any  
15 organizational membership, no. No membership or anything like  
16 that.

17 THE COURT: Okay. Great. Thank you very much,  
18 Juror Number 19.

19 Juror Number 20, Ms. Williams.

20 THE PROSPECTIVE JUROR: I resided in Brooklyn for  
21 28 years.

22 THE COURT: 28, okay.

23 THE PROSPECTIVE JUROR: Yes.

24 And I have a MSN degree in nursing. And another  
25 seven months, I'll add doctorate nursing practice to my name.



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1 THE COURT: Oh, good. So say it again, you're about  
2 to add doctor to my name?

3 THE PROSPECTIVE JUROR: Yes. Doctor of nursing  
4 practice.

5 THE COURT: Great. Okay.

6 THE PROSPECTIVE JUROR: And it's funny that you said  
7 this because earlier you said about researching. I do  
8 extensive research in racial and social justice, because as  
9 part of our studies and --

10 THE COURT: Hold on one second. I think you're  
11 losing our court reporter. And she can't actually see you  
12 either.

13 Let's go back. You do a lot of research about race  
14 and social justice issues?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: Not as part of your job, but just on  
17 your own?

18 THE PROSPECTIVE JUROR: No, as part of my school.  
19 It's a requirement. Because as a nurse leader, you have to  
20 know how to deal with people of different -- of diverse race.

21 THE COURT: Okay. So that's part of your current  
22 education?

23 THE PROSPECTIVE JUROR: Correct.

24 THE COURT: All right. Thank you.

25 THE PROSPECTIVE JUROR: Yes. So I have no military

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1 background. I'm currently employed by New York City Health  
2 and Hospitals Services in Queens for the last few years.  
3 Prior to that, I was at Bronx Lebanon Hospital Systems.

4 THE COURT: Could you say that again. Prior to  
5 that, you were --

6 THE PROSPECTIVE JUROR: At Bronx Lebanon.

7 THE COURT: Oh, Bronx Lebanon?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Okay.

10 THE PROSPECTIVE JUROR: But currently, I'm now at  
11 New York Health and Hospitals in Queens. I'm an assistant  
12 nursing director. I actually just got promoted last week to  
13 associate nursing director, and my orientation started today,  
14 but I was excused for jury duty.

15 THE COURT: Very good.

16 THE PROSPECTIVE JUROR: So hopefully I get to go  
17 tomorrow.

18 THE COURT: I don't control that, but okay.

19 THE PROSPECTIVE JUROR: I know.

20 And my spouse is retired last year. He worked at  
21 Metropolitan Transit Authority System. He was a bus operator.

22 THE COURT: Okay.

23 THE PROSPECTIVE JUROR: But he moved back home. He  
24 comes, like, about every three months, six months, just to  
25 visit. And my kids are grown, 34, and 30. My daughter, she's

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1 a teacher with a charter school in Brooklyn. And my son, he's  
2 a manager at Capsule Pharmacy.

3 THE COURT: A manager?

4 THE PROSPECTIVE JUROR: At Capsule Pharmacy.

5 THE COURT: Capsules Pharmacy, okay. I never heard  
6 of it. Okay.

7 THE PROSPECTIVE JUROR: And I don't have any other  
8 adults in the household. No -- not much in legal practice or  
9 knowledge. Just probably a little from school from when I was  
10 in school doing my bachelor's. We did probably, you know, a  
11 little talking about legal stuff.

12 THE COURT: Okay.

13 THE PROSPECTIVE JUROR: And my cousin husband  
14 actually is an immigration lawyer. He works out of  
15 Pennsylvania.

16 THE COURT: Your cousin is an immigration lawyer?

17 THE PROSPECTIVE JUROR: Her husband.

18 THE COURT: Oh, cousin's husband?

19 THE PROSPECTIVE JUROR: Mm hm.

20 THE COURT: Okay. And he works here in New York?

21 THE PROSPECTIVE JUROR: No, in Pennsylvania.

22 THE COURT: Pennsylvania, alrighty.

23 THE PROSPECTIVE JUROR: And I work closely with a  
24 risk manager that's actually -- she is a lawyer also. She  
25 does corporate law and any risk management stuff at my job.

## Jury Selection

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1 And we have to communicate because of different people might  
2 be suing the organization, and we have to give, you know, our  
3 input as nurses.

4 THE COURT: Okay.

5 THE PROSPECTIVE JUROR: And RCAs.

6 I was here in 2014 for jury service. I wasn't  
7 chosen. I have no involvement in litigation.

8 For news, I like to get different perspective of  
9 news. I look any kind of news, CNN, Channel 4, NBC, Fox News,  
10 ABC, Channel 12 in New York. Any news. I look at any news  
11 station. I'm not bias. I just like to get different  
12 perspective. And I listen to the morning show with Steve  
13 Harvey when I going to work. When I'm coming home I listen to  
14 1010 WINS to know what the weather will be in the next day.

15 THE COURT: The weather, that is?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Okay.

18 THE PROSPECTIVE JUROR: And I read different  
19 magazines. You know, I just like reading a lot of magazines.  
20 I am in a book club, actually, a national book club. So I do  
21 a lot of reading. I visit a lot of websites because of my  
22 job, again. Mostly like CDC, World Health Organization. You  
23 know, anything regarding healthcare.

24 THE COURT: Okay.

25 THE PROSPECTIVE JUROR: And I listen to any type of

## Jury Selection

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1 music. So television, I watch -- I have a Fire Stick, so I  
2 look at a lot of movies when I have the time. I'm not big on  
3 the legal shows, like, the Law and Order stuff. I like mostly  
4 game shows like Family Feud, Jeopardy, Wheel of Fortune,  
5 Pictionary. Anything with game, I will look at it just to get  
6 my mind off of regular work.

7 Social media, of course I'm not Facebook, Instagram,  
8 and I really look at Facebook just to follow up, you know, see  
9 how friends and family are doing. Not making much comments,  
10 just saying, hi, hello, happy birthday.

11 THE COURT: Okay. Pause.

12 THE PROSPECTIVE JUROR: Sorry.

13 THE COURT: Go ahead.

14 THE PROSPECTIVE JUROR: Yes. And organizational  
15 membership, I am a member of the Association of Women's Health  
16 and Obstetrics Nursing, A1. I'm also a member of the  
17 Association On Nurse leadership, AONL. And I'm also a member  
18 of the AMA Nursing Association. And actually, I play a part  
19 in the New York State Birth Equity Improvement Project. It's  
20 a project that's been going on since 2020.

21 THE COURT: Is the word birth?

22 THE PROSPECTIVE JUROR: Birth.

23 THE COURT: Birth, I'm so sorry. It's the mask, I  
24 think.

25 THE PROSPECTIVE JUROR: Yes, it is.

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1 THE COURT: I got it. Birth equity --

2 THE PROSPECTIVE JUROR: -- improvement project.

3 THE COURT: Got it. Thank you.

4 THE PROSPECTIVE JUROR: And I'm actually am a member  
5 of a church -- of my church.

6 THE COURT: Which church?

7 THE PROSPECTIVE JUROR: Mount Sinai Church of God  
8 and Christ.

9 THE COURT: Mount Sinai Church of God and Christ.  
10 Okay.

11 THE PROSPECTIVE JUROR: I think that's about it.

12 THE COURT: All right. Thank you very much.

13 THE PROSPECTIVE JUROR: You're welcome.

14 THE COURT: Juror Number 19, Ms. William. Now --  
15 sorry, that was 20.

16 And 21 is Ms. Nardulli.

17 THE PROSPECTIVE JUROR: Hi. Let's see, I've lived  
18 in Nassau County for 17 years. I have a Bachelor's in  
19 computer science. No military service. I am working at CUNY  
20 Brooklyn College. I've been there for 22 years.

21 THE COURT: What do you do there?

22 THE PROSPECTIVE JUROR: Helpdesk technician. I have  
23 a husband who is a project accountant at Turner Construction.

24 THE COURT: Okay.

25 THE PROSPECTIVE JUROR: I have one child,

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1 fourteen-years-old.

2 THE COURT: All right.

3 THE PROSPECTIVE JUROR: No other adults live with  
4 us. I know nothing about legal practice or studies. No law  
5 school classes. I don't know any lawyers. No relationships.  
6 I've never served on a jury or Grand Jury.

7 THE COURT: All right.

8 THE PROSPECTIVE JUROR: No involvement with  
9 litigation.

10 News, I like to watch a lot of news. I watch them  
11 all, CBS, NBC, ABC, News 12.

12 THE COURT: Like your neighbor.

13 THE PROSPECTIVE JUROR: I also have a lot of  
14 streaming channels. I like a little bit of everything. I do  
15 enjoy Law and Order. I like Food Network, as well. Survivor,  
16 Amazing Race, that type of thing.

17 Facebook and Instagram for social. I enjoy being in  
18 touch with friends and family. I am not a member of any  
19 organizations.

20 THE COURT: Okay. Thank you very much,  
21 Ms. Nardulli.

22 Twenty-two, Ms. Faison; is that right?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay.

25 THE PROSPECTIVE JUROR: I currently live in

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1 Brooklyn. I've been there for -- well, been here for about  
2 33 years. I have an associate's degree in nursing. I have no  
3 military background. I currently work for DaVita Dialysis.

4 THE COURT: You work for what dialysis?

5 THE PROSPECTIVE JUROR: DaVita.

6 THE COURT: DaVita, okay.

7 THE PROSPECTIVE JUROR: I have no spouse. I have no  
8 children. My dad -- I live with my dad. He doesn't work  
9 right now.

10 THE COURT: Did he work before?

11 THE PROSPECTIVE JUROR: Well, with the family  
12 business.

13 THE COURT: What's that?

14 THE PROSPECTIVE JUROR: They have a -- well, he had  
15 a grocery store and a couple of apartment buildings.

16 THE COURT: Okay.

17 THE PROSPECTIVE JUROR: No legal knowledge. No  
18 relationship with lawyers. I've never served on a jury. I  
19 was involved in a lawsuit before.

20 I don't watch anything involving the news. I don't  
21 really watch TV like that, but I do have subscriptions. I do  
22 have social media; Instagram, Facebook, Twitter. And no  
23 organization.

24 THE COURT: Thank you very much, Juror Number 22.

25 Juror Number 23, Mr. Gabriel or Ms.-- Mr. Gabriel.



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1     Yep.

2                 THE PROSPECTIVE JUROR:   Residence, I'm living --  
3     currently living in Brooklyn.   I lived here all my life.  
4     Education, high school.   Military service, none.   Employment,  
5     not currently.   I am currently retired.   Spouse, yes.   She  
6     currently lives in the same house as me.

7                 THE COURT:   Does she work outside of the home?

8                 THE PROSPECTIVE JUROR:   Yes.   She have her own  
9     business in end of life care.

10                THE COURT:   Okay.

11                THE PROSPECTIVE JUROR:   At many nursing homes.

12                THE COURT:   All right.

13                THE PROSPECTIVE JUROR:   Children, I got two.   My son  
14     is a structural engineer for New York City.   My daughter is an  
15     investment banker for Chase.   Other adults, no.   Legal  
16     knowledge, no.   Relationship with lawyers, don't have any.

17                Jury service, I did two cases, state court of --

18                THE COURT:   Criminal or civil?

19                THE PROSPECTIVE JUROR:   Civil.

20                THE COURT:   Okay.   Were you --

21                THE PROSPECTIVE JUROR:   Before it was over, it was  
22     settled.

23                THE COURT:   Okay.

24                THE PROSPECTIVE JUROR:   I never get to try any.

25                THE COURT:   In both cases?

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1 THE PROSPECTIVE JUROR: In both cases.

2 THE COURT: Okay.

3 THE PROSPECTIVE JUROR: Involvement in legal  
4 litigation, no.

5 News, I like CNN, 60 Minutes.

6 Television, cable, streaming, none.

7 Social media. I don't like any social media.

8 THE COURT: Okay.

9 THE PROSPECTIVE JUROR: Organizational membership,  
10 none.

11 THE COURT: Okay. I may have missed this.

12 Did you say that you are currently employed?

13 THE PROSPECTIVE JUROR: No. I'm currently retired.

14 THE COURT: Okay. What did you do before  
15 retirement?

16 THE PROSPECTIVE JUROR: Drive New York City Transit.

17 THE COURT: Okay. All right. Thank you very much,  
18 Juror Number 23.

19 And just to pause for a moment, folks. Ordinarily,  
20 we break for lunch at 1:00, but because we are pretty close to  
21 getting to a point where I can let you all go for a bit of  
22 time, we're going to push through, so that we can get, at  
23 least, a part of you out of here soon for the rest of the day,  
24 and then some of you a little bit later than that. But  
25 assuredly, we'll have some decision relatively soon, so the

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1 day will not be that long for everyone. I would like to push  
2 through past 1:00 o'clock right now.

3 Juror Number 24, Mr. Ries.

4 THE PROSPECTIVE JUROR: I live in Brooklyn. I moved  
5 here about 30 years I, guess. I have a BS in psychology. No  
6 military service. I am self-employed. I have a S Corp. That  
7 does --

8 THE COURT: Commercial art?

9 THE PROSPECTIVE JUROR: What's that?

10 THE COURT: What do you do?

11 THE PROSPECTIVE JUROR: Commercial art, graphics and  
12 music.

13 THE COURT: Okay.

14 THE PROSPECTIVE JUROR: My wife is a clinical social  
15 worker. They work on Zoom now. I don't know if you call it  
16 outside of the home or not.

17 THE COURT: Okay.

18 THE PROSPECTIVE JUROR: I have two children. Son  
19 34, daughter 28. They don't live at home.

20 THE COURT: Do they work outside of the house?

21 THE PROSPECTIVE JUROR: Yeah. Well, my son is a  
22 coder for an internet startup.

23 THE COURT: Hold the microphone.

24 Your son is a coder for?

25 THE PROSPECTIVE JUROR: I'm sorry?

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1 THE COURT: Just hold the mic up.

2 Your son is a coder for?

3 THE PROSPECTIVE JUROR: Yeah. He writes codes,  
4 computer code.

5 THE COURT: Right. Okay. Just a reminder to keep  
6 the microphone close up.

7 Go ahead.

8 THE PROSPECTIVE JUROR: Okay.

9 THE COURT: And your daughter?

10 THE PROSPECTIVE JUROR: My daughter just gave birth  
11 to a boy who is four months old. She's at home now.

12 THE COURT: Congratulations.

13 Okay. So she's home for now.

14 THE PROSPECTIVE JUROR: Let me see, legal knowledge,  
15 nothing directly. Okay. I know a fair amount of lawyers and  
16 my family has lawyers.

17 THE COURT: What do they practice in?

18 THE PROSPECTIVE JUROR: I have like cousins, inlaws,  
19 but they're all in the west coast. I'm not really that close.  
20 I had a neighbor who was a class action guy for a number of  
21 years. And I know a couple of guys who pass the Bar, but they  
22 work as accountants basically.

23 THE COURT: All right.

24 THE PROSPECTIVE JUROR: Jury service, I've been on  
25 two juries. I was impanelled once and then they settled. And

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1 the second time they reached a verdict. Both cases were  
2 civil.

3 THE COURT: All right.

4 THE PROSPECTIVE JUROR: Let's see. Okay. I've been  
5 in litigation.

6 THE COURT: In what capacity?

7 THE PROSPECTIVE JUROR: Going back to lawyers, I've  
8 actually -- in my business, I've worked for a number of  
9 campaigns, like, civilian circuit court judge doing, you know,  
10 campaign materials.

11 THE COURT: All right.

12 THE PROSPECTIVE JUROR: I used to do that sort of  
13 thing. I was involved in litigation. I was sued by somebody  
14 who claimed they fell down the stairs of my building. And let  
15 me see --

16 THE COURT: How was that resolved?

17 THE PROSPECTIVE JUROR: You know, I don't really  
18 know. The insurance company for the house handled it. I was  
19 deposed. The guy was deposed. He claimed that he was running  
20 down the stairs. I don't know. So the insurance company  
21 dropped me. I got a new insurance company after the  
22 deposition and so on. I never heard about it again so.

23 THE COURT: All right.

24 THE PROSPECTIVE JUROR: I assume it was settled.

25 THE COURT: Any news sources?

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1 THE PROSPECTIVE JUROR: Yeah. I read the Times  
2 online. That sort of thing. You know, just TV shows. I  
3 don't watch a lot of legal shows or anything like that. I'm  
4 on all the social media, but not very actively.

5 THE COURT: Okay.

6 THE PROSPECTIVE JUROR: I'm not really a member of  
7 any organizations.

8 THE COURT: All right. Thank you very much,  
9 Mr. Ries.

10 Next Juror Number 25, Ms. St. Jeanos; is that right?

11 THE PROSPECTIVE JUROR: St. Jeanos.

12 THE COURT: Sorry.

13 THE PROSPECTIVE JUROR: I live in Nassau County my  
14 entire life. I have a Bachelors degree in business and an MBA  
15 in finance. Never apart of the military. I stopped working  
16 when my first son was born and I haven't been back. I was  
17 married two years ago -- up to two years ago. My husband  
18 passed away.

19 THE COURT: I'm sorry.

20 THE PROSPECTIVE JUROR: I have three children. One  
21 is a CPA. He's 29. My daughter is 28 and she works for the  
22 Discovery network in the marketing area. And as I said  
23 earlier, I have a son who is in law school, in Brooklyn law  
24 school. And I don't personally have any legal knowledge  
25 unlike my family. Lawyers, my husband was actually a lawyer.

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1 He was a partner at Herr and Feinstein and he was in real  
2 estate, commercial real estate. Mainly the lending end.  
3 Mostly worked for banks. Represented banks I should say.

4 THE COURT: Very sorry about your loss.

5 THE PROSPECTIVE JUROR: Thank you. Thank you.

6 Again, my son is in law school. And also my  
7 brother-in-law is an attorney. He's a partner at Willkie  
8 Farr.

9 THE COURT: Okay.

10 THE PROSPECTIVE JUROR: And he worked mainly in the  
11 insurance industry. Not health insurance, just general  
12 insurance.

13 THE COURT: Do you know if he is a litigator?

14 THE PROSPECTIVE JUROR: He is a litigator actually.

15 THE COURT: All right.

16 THE PROSPECTIVE JUROR: I never sat on a Grand Jury.

17 Involved in litigation, I almost forgot about this,  
18 but my children encouraged me to make one of those phone calls  
19 against Zantac, which we took off the market. Which we feel  
20 like that had something to do with my husband's passing. I  
21 had contacted them about six months ago. Nothing has  
22 happened. I know that the case is being decided in  
23 California. I'm not really following up on it.

24 THE COURT: Okay.

25 THE PROSPECTIVE JUROR: But I am, I guess, involved

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1 with that.

2 THE COURT: That's a class action lawsuit?

3 THE PROSPECTIVE JUROR: It's not considered class  
4 action. There's another name for it. I forget what it's  
5 called because class action everybody would share, but I guess  
6 you're represented as an individual.

7 THE COURT: Okay.

8 THE PROSPECTIVE JUROR: But part of a part class  
9 action. I don't really understand exactly.

10 THE COURT: All right.

11 THE PROSPECTIVE JUROR: News, I watch all sources  
12 ABC, NBC, CBS, Fox News.

13 TV, I have cable. I like to laugh at sitcom. Like,  
14 young Sheldon came back on, I like it. I like HGTV, House  
15 Hunters, Food Network. I do like 20/20. Nothing over the  
16 top, you know, for law related shows.

17 Social media, I just have Instagram mainly to follow  
18 friends and mainly golden retriever videos. That's what I  
19 watch all the time. That's my feed. And I'm not a member of  
20 any organization.

21 THE COURT: All right. Thank you very much.

22 Next we have Juror Number 26, Ms. Gorton.

23 THE PROSPECTIVE JUROR: Okay. Residence, I've been  
24 in Brooklyn always. Education, high school, grad, no  
25 military, employment. I work at St. Ephrem Catholic Academy.



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1 THE COURT: Yep. Okay.

2 THE PROSPECTIVE JUROR: Yeah. Lunchroom duty. I've  
3 been there 18 years.

4 THE COURT: One of you have the same job.

5 THE PROSPECTIVE JUROR: Yeah. It's part-time. It's  
6 easy.

7 THE COURT: Okay.

8 THE PROSPECTIVE JUROR: My husband is a program  
9 manager for the computers in MTA. Children, two grown  
10 children still living with me. My son is 28. He works for a  
11 nonprofit organization, but he worked in their computer  
12 department. MY daughter is 26. She works for a publicist. I  
13 don't know the names of their companies. Sorry.

14 THE COURT: It's all right.

15 THE PROSPECTIVE JUROR: No other adults. No legal  
16 knowledge. Not really.

17 THE COURT: All right.

18 THE PROSPECTIVE JUROR: Let's see, no lawyers. I  
19 served on a civil case once and in the middle of the trial  
20 they settled. Let's see, no litigation.

21 News, I do like NY1. Sometimes Channel 2 or 7, but  
22 I mostly like NY1. Oh, here. Courtroom, Law and Order, of  
23 course. And I do like old Matlock repeats.

24 Social media, no. No organization either.

25 THE COURT: All right. Thank you very much, Juror

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1 Number 26.

2 Juror Number 27, Ms. James?

3 THE PROSPECTIVE JUROR: I live in Brooklyn for over  
4 20 years. High school diploma. No military service. I work  
5 for the Center for Family Support over 20 years now. No  
6 spouse. I have three children. Two boys in the military. My  
7 daughter is a nurse. No other person in the household. No  
8 legal knowledge.

9 THE COURT: Okay.

10 THE PROSPECTIVE JUROR: No relationship to the  
11 lawyers. Never served as a juror or Grand Jury. No  
12 litigation. News, Channel 1, Channel 7. TV, I have Hulu and  
13 Netflix.

14 Social media, Facebook, just to browse. And no  
15 organization membership.

16 THE COURT: Okay. Going back to Hulu and Netflix,  
17 do you watch anything in particular?

18 THE PROSPECTIVE JUROR: Just a lot of movies.

19 THE COURT: All right. No shows? No particular  
20 shows.?

21 THE PROSPECTIVE JUROR: Oh, no. No.

22 THE COURT: All right. So Juror Number 28 Mr. Chu.

23 THE PROSPECTIVE JUROR: Yes. I've been in Queens  
24 all my life. I have a Bachelors in business. No military  
25 service. I am currently self-employed. I am trading equities

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1 with my own money.

2 THE COURT: For himself in his own account. Okay.

3 THE PROSPECTIVE JUROR: Yeah. My wife is a product  
4 manager at an investment bank. We have two children, ten and  
5 nine. No other adults in the house. No legal knowledge. My  
6 aunt is a lawyer with Legal Aid, Albany.

7 THE COURT: Does she do criminal or civil?

8 THE PROSPECTIVE JUROR: I believe, civil. Mostly  
9 family related cases.

10 THE COURT: Okay.

11 THE PROSPECTIVE JUROR: And my cousin is a lawyer  
12 that works for the DOJ. She's in D.C. right now.

13 THE COURT: Do you know what she does?

14 THE PROSPECTIVE JUROR: Not specifically, no.

15 THE COURT: Okay.

16 THE PROSPECTIVE JUROR: Jury service, I've never  
17 served on a jury or Grand Jury before.

18 THE COURT: Okay.

19 THE PROSPECTIVE JUROR: Not involved in litigation.  
20 News, mostly, you know, finance related. Bloomberg, CNBC,  
21 Wall Street Journal and the Economist. Streaming services, I  
22 do subscribe to them all. I basically watch whatever is  
23 trending with my wife or kid.

24 Social media, mostly Twitter for headlines to see  
25 what people are talking about. Organizational membership,

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1 I've launched a CFA Institute, which stand for Charter  
2 Financial Analysis.

3 THE COURT: Stanford Charter.

4 THE PROSPECTIVE JUROR: Just Charter Financial  
5 Analysis.

6  
7 (Continued on the following page.)  
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1 (Continuing.)

2 THE COURT: Juror number 29, Ms. Kirk.

3 PROSPECTIVE JUROR: I live in Long Beach 12 years.  
4 I have BA in philosophy. No military service. I am currently  
5 employed in market research.

6 THE COURT: Keep your microphone close to your  
7 mouth.

8 PROSPECTIVE JUROR: I'm a widow. I have one  
9 daughter who is 33, she's autistic and a ward of the state. I  
10 have two other adults that live in the house. My sister is a  
11 retired school librarian, and her daughter is in early  
12 childhood education. I have no legal knowledge. I have no  
13 relationships with lawyers. I have never served on a jury or  
14 a Grand Jury. I have been a plaintiff in a lawsuit that was  
15 settled out of court. And I listen to NPR and I read the New  
16 York Times feed. And I watch MSNBC. I don't watch any TV  
17 besides that. I don't go on social media. And I'm not a  
18 member of any organization.

19 THE COURT: Go back for one minute to you're a  
20 widow. Did your husband work outside the home before he  
21 passed?

22 PROSPECTIVE JUROR: Yes, he also worked in market  
23 research.

24 THE COURT: Thank you very much, juror 29.

25 Juror 30, Mr. Donovan.

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1 PROSPECTIVE JUROR: I currently live in Astoria,  
2 been there for four years. Before that in White Plains for  
3 two years. Before that outside of Albany. Education, a  
4 Bachelor's in business economics with a finance concentration.  
5 No military service. Employment, I'm a senior  
6 biller/collector recorder for a law firm in the city,  
7 Proskauer Rose, before that it was Carvath.

8 THE COURT: How long have you been there?

9 PROSPECTIVE JUROR: Proskauer, four years, four  
10 and-a-half years; and Carvath two years.

11 I have a fiancée, she's a six grade English teacher  
12 in Rigo Beach, Long Island. No children. No other adults in  
13 the household. Legal knowledge, I think I took business law  
14 in college and just reading time entries -- I don't know what  
15 they are talking about. Relationship with lawyers, I work  
16 with a bunch of partners. I have not served on a jury or Grand  
17 Jury before. I've not been involved in litigation. News, I  
18 prefer ABC7, but I read a little bit of everything, CNN, Fox  
19 News to get a broader perspective. Television cable, House of  
20 the Dragon I'm watching now; other than that, just sports.  
21 Social media, Facebook, Twitter, Instagram a little bit of  
22 everything. I don't post, but keep up with friends and  
23 family. And no organizations.

24 THE COURT: Thank you very much.

25 Juror number 31, Mr. Gonzalez.

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1 PROSPECTIVE JUROR: I lived in Hollis, Queens, about  
2 20 years. I'm currently in college, second year, pursuing  
3 Bachelor's degree. Number three is no. Four, no. Five, no.  
4 Six, no. Seven, my mother and father. My mother is an IT  
5 administrator, my father a construction worker. Eight no.  
6 Nine, no. Ten, also no. Eleven, no. Twelve, no newspapers  
7 or TV shows or radio shows or magazines or blogs. In terms of  
8 websites, YouTube. Thirteen, I do not watch any regularly.  
9 Fourteen, Instagram. And 15 is no.

10 THE COURT: Very economical and efficient, thank you  
11 very much.

12 Last, but not least, we have Mr. Cheng.

13 PROSPECTIVE JUROR: I lived in Queens, New York, for  
14 over 33 years. Education, I started with pharmacy doctor but  
15 ended with accounting Bachelor's. I have not done military  
16 service. My employment is at New York City Parks, I'm doing  
17 permits. I'm not married, no children. My mom and dad. My  
18 father is a waiter, my mom is an interpreter. Legal knowledge  
19 is Business Law one, two, three from accounting. I have a  
20 friend that is a lawyer, I don't know what he practices. I  
21 have not been picked for jury service. My girlfriend got hit  
22 by a car, but I think it was settled. I don't really read  
23 news too much. Nothing specific for 13. Fourteen I only use  
24 Facebook for messaging. I read Reddit. And no organization.

25 THE COURT: Thank you very much, Mr. Cheng. I'm

Sidebar

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1 going to have a word with the lawyers at sidebar.

2 (Sidebar.)

3 THE COURT: Any follow-up questions. Defense?

4 MR. SINGER: I don't think so.

5 MS. KASSNER: No.

6 THE COURT: Okay. My plan is to basically let  
7 people go who are not in the 32 -- you know what, to err on  
8 the safe side, I'll let everybody go for about 20 minutes,  
9 you'll exercise your peremptories, then we'll call everybody  
10 back. Then we'll release those and the rest of the venire  
11 after that, just in case we have any unexpected crisis okay.  
12 I can't imagine at this point because unless somebody does  
13 something, unless we lose someone during lunch, suppose  
14 somebody doesn't come back.

15 I'll let them go for 20 minutes. You guys assemble  
16 at five before the 20, so you get 15 minutes to put together  
17 your selections. We'll do it, then we'll bring them all back.

18 MR. SINGER: And then?

19 THE COURT: Then take a break for lunch and opening  
20 after.

21 MR. NAVARRO: Your Honor, just because we have a  
22 couple witnesses lined up, is the expectation that the first  
23 witness will go in the morning at this point?

24 THE COURT: No. How long are your openings? It  
25 can't be that long.



Jury Selection

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1 (In open court.)

2 THE COURT: We'll take 20 minutes. Everybody will  
3 leave so the parties can do the peremptories. We'll let you  
4 know the good news of who is in the jury and who is not. I'll  
5 ask that everybody return in case we have unexpected glitches  
6 and need to fill-in the first 32. Come back at quarter of  
7 two.

8 I know it's not long enough for you to get lunch.  
9 There is a snack concession downstairs on the first floor if  
10 you need to get something to eat, but be back here. For many  
11 of you, you'll be completely done -- for everyone but the  
12 people on the jury, you'll be done by the time you return at  
13 quarter of. Those papers leave here, all the questions leave  
14 here. If you want to get outside, although it's not nice  
15 weather, you can do that. But we have to have everyone leave  
16 the courtroom.

17 (Prospective jury panel exits.)

18 (Brief recess.)

19 THE COURT: We're going to start with the peremptory  
20 challenges. The Government gets one, and then back to the  
21 defense for four.

22 MS. KASSNER: Yes, Your Honor. The Government would  
23 strike juror number four.

24 THE COURT: That is Ms. Chen.

25 MS. KASSNER: That's correct.

Jury Selection

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1 THE COURT: Okay. Back to the defense for four.

2 MR. SINGER: The defense will challenge number one,  
3 Ms. Donaldson; six, Mr. Kresowaty; number 13, Mr. Dean; number  
4 17, Ms. Yepez.

5 THE COURT: Back to the Government for two.

6 MS. KASSNER: The Government would strike number 20.

7 THE COURT: Ms. Williams.

8 MS. KASSNER: That's correct.

9 And the Government would additionally strike number  
10 21.

11 THE COURT: Ms. Nardulli.

12 Back to the defense for four.

13 MR. SINGER: Defense would challenge number three,  
14 Ms. Dawkins.

15 THE COURT: Just remember for the regular jury you  
16 can only go up to juror number 28.

17 MR. SINGER: Yes.

18 THE COURT: Three more.

19 MR. SINGER: Number nine, Ms. Ramos. Number 25,  
20 Ms. St. Jeanos; number 26, Ms. Gorton.

21 THE COURT: Back to the Government for two.

22 MS. KASSNER: Number five, Mr. Corbet; and number  
23 eight, Mr. Price.

24 THE COURT: Back to the defense for two.

25 MR. SINGER: Number 11, Ms. Ferrer.

Jury Selection

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1 THE COURT: One more.

2 MR. SINGER: And number 27, Ms. James. That's my  
3 tenth, right?

4 THE COURT: Yes. Last strike for the Government.

5 MS. KASSNER: Number ten, Mr. Hess.

6 THE COURT: Okay. Let's go to the alternates and  
7 then after we're done I'll recapitulate the final list of  
8 jurors.

9 First to the Government for the one strike for the  
10 alternate.

11 MR. NAVARRO: Just to clarify we're going from 28  
12 up --

13 THE COURT: Twenty-nine.

14 MR. NAVARRO: Twenty-nine to 32.

15 THE COURT: Correct.

16 MR. NAVARRO: Could we have one moment to confer?

17 THE COURT: Yes.

18 MS. KASSNER: Number 31. And I'm confirming the  
19 name --

20 THE COURT: Gonzalez.

21 MS. KASSNER: That's correct.

22 THE COURT: And then strike for the defense.

23 MR. SINGER: Defendants challenge number 29,  
24 Ms. Kirk.

25 THE COURT: All right. So with respect to the

Jury Selection

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1 regular jury, juror one is Ms. Fisher. Juror two should be, I  
2 think it's Simiao Chen, who was juror number 33.

3 MR. NAVARRO: I believe --

4 THE COURT: It's Zhen Chen. Correct.

5 MS. KASSNER: Yes.

6 THE COURT: That's number two.

7 MR. SINGER: Sorry. That is?

8 THE COURT: Formerly 35. Zhen Chen is now number  
9 two. Juror three is Mr. Roopnauth, formerly 12.

10 MR. NAVARRO: Yes.

11 THE COURT: Juror four is Ms. Nzirubusa, formerly  
12 14. Five is formerly 15, Ms. Parola. Six is formally 16,  
13 Ms. Mattina. Seven is formerly 18, Ms. Mohammed --

14 MR. SINGER: I'm sorry?

15 THE COURT: Formerly 18 is now seven, Ms. Mohammed,  
16 and she was 31 before. Formerly 19 is now number eight,  
17 that's Mr. Duran. Ms. Faison, formerly 22, is now nine.  
18 Formerly 23, Mr. Thomas, is now ten.

19 MR. SINGER: I'm sorry.

20 MR. NAVARRO: Your Honor --

21 THE COURT: I'm sorry. Gabriel, last name, that's  
22 formerly 39, then he became 23, and now he's ten, that's  
23 Mr. Gabriel Glasgow, as in the city. Number 11 is Ethan Ries,  
24 formerly 24. And number 12, last regular juror, is Mr. Chu,  
25 formerly 28.

Jury Selection

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1 Do I have that right Government?

2 MR. NAVARRO: Yes, Your Honor.

3 THE COURT: And defense?

4 MR. SINGER: One moment, Judge. Yes.

5 THE COURT: Then the two alternates will be number  
6 one, Mr. Donovan, formerly 30. And Mr. Cheng, formerly 32,  
7 he's alternate two.

8 Correct, Government?

9 MR. NAVARRO: That's correct.

10 THE COURT: And defense?

11 MR. SINGER: Yes.

12 THE COURT: We'll bring everybody back in here and  
13 Ryan will excuse everyone who is excused.

14 We'll let everyone else go and take a break for  
15 lunch before opening, and I'll give them a full hour. So  
16 we'll start up around three.

17 THE COURT: Once we seat the jury I'll ask if you're  
18 both -- if you consent to the jury, or is the jury acceptable.

19 (Prospective jury panel enters.)

20 THE COURT: Please be seated everyone. I know this  
21 is the moment you've all been waiting for. Our deputy will  
22 announce the jurors. Amongst those who are excused, don't get  
23 up and leave yet because everyone who has been excused,  
24 including everyone on this side of the room, can all leave at  
25 once with our thanks. So go ahead, Ryan.

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1 THE COURTROOM DEPUTY: First juror excused Marcia  
2 Donaldson, Yashika Dawkins, Simiao Chen, Patrick Corbet,  
3 Kenneth Kresowaty, Lloyd Price, Veronica Ramos, Joseph Hess,  
4 Karen Ferrer, Francis Dean, Evelyn Yepez, Sonnja Williams,  
5 Vanessa Nardulli, Kathleen St. Jeanos, Ann Gorton, Valerie  
6 James, Joann Kirk, Harold Gonzalez.

7 THE COURT: So again, thank you everyone for your  
8 patience this morning and you're willingness to serve as  
9 jurors. I especially appreciate how punctual you've all been.  
10 With our thanks, you are free to go. As are all of the other  
11 individuals who have not yet participated in the selection.  
12 Thank you everyone.

13 (Excused juror exit.)

14 If you were not struck, remain here. For those of  
15 you who are here, we'll have you re-arranged.

16 Juror number two can move to juror number one.

17 Addressing the jurors, thank you very much again for  
18 your patience throughout this process. As you can see one of  
19 the jurors who was selected isn't here at the moment. What  
20 we're going to do is break for lunch and you guys have an hour  
21 for lunch.

22 And then the plan is to start the trial after the  
23 lunch break with opening statements. I'll give you some other  
24 instructions about how the trial will proceed. We will swear  
25 you in after the lunch break. I need to talk to the lawyers a

## Jury Selection

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1 little bit about what to do about our one missing juror. At  
2 any rate, it's my anticipation or expectation that we'll go  
3 forward this afternoon in any event.

4 For now the only instructions I want to give you is  
5 henceforth: You should not talk at all about this case with  
6 anyone. Don't let anyone talk to you about the case. And I'm  
7 instructing the lawyers, the parties, the trial teams, the  
8 translators even, not to speak to you at all, for the purpose  
9 of avoiding any appearance that they are talking to you about  
10 the case. So if you see them in the hallway and they  
11 completely disregard you, they are not being rude; they are  
12 following my instruction not to speak you to at all. I am, on  
13 the other hand, able to say hello to you of course and we can  
14 chat about anything but the case, the weather or something  
15 like that.

16 Don't do any research, don't blog or chat with  
17 anybody about the fact that you've even been chosen for this  
18 jury. For now basically no communications at all with anyone  
19 about the case, about the lawyers, or anyone else involved in  
20 this case. That will be true from now until when you finish  
21 your jury service. And even amongst yourselves, you should  
22 not talk about the case. Because until you reach your  
23 deliberations, the point that you're actually in that room  
24 deliberating, you're not to talk about the case with anyone  
25 including each other.

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1           So at some point when you go home this afternoon you  
2 can't talk to anybody about the case other than you can say:  
3 I got picked for a jury. But avoid any conversation at all  
4 about the substance of the case. If anyone tries to speak you  
5 to about the case, let our deputy Ryan know immediately.

6           Okay. Go and have a good lunch. Be ready to go at  
7 five after three, we'll start the trial then.

8           (Jury exits the courtroom.)

9           THE COURT: I've never had this happen before. He  
10 didn't understand my directions, or I guess the exercise of  
11 calling out those people who were excused. We have a couple  
12 of options. I will ask Ryan to talk to the jury department  
13 about seeing if they can contact Mr. Ries on his cellphone.

14           MR. SINGER: Why not call the Marshals, ask them to  
15 call out his name.

16           THE COURT: Assuming he has a cellphone.

17           MR. SINGER: Everybody's got a cellphone.

18           THE COURT: Or if he checked it. Let's do that. I  
19 don't have the number for downstairs.

20           MR. NAVARRO: I'm happy to walk down.

21           THE COURT: Mr. Navarro is going to see if he can  
22 find Mr. Ries and his phone. If that fails and if we can't  
23 contact him to get him back here by three, the question is  
24 whether or not we should proceed with the jurors we have; and  
25 my suggestion is yes. Because we'll have still one alternate



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1 for a relatively short trial. I'll hear from the parties.

2 MS. KASSNER: Your Honor, the Government would be  
3 fine with proceeding with one alternate given the brevity of  
4 the trial.

5 THE COURT: Mr. Singer.

6 MR. SINGER: That's fine.

7 THE COURT: All right. Let's hope we can reel  
8 Mr. Ries back in. I think between maybe the phone option,  
9 let's hope for a long line, or get in touch during the lunch  
10 break and we'll be able to have the full 14 back here.

11 I'll wait until the jury comes back to swear them  
12 in, and then ask you if they are satisfactory to you before.  
13 I didn't want to do that now since we're missing the one.  
14 Then start with the opening at 3:00 o'clock.

15 There was one issue that was unresolved that you  
16 raised, Mr. Singer. I don't know if it's going to effect  
17 openings, but let's try to resolve now.

18 MR. SINGER: It does not effect openings.

19 (Juror enters courtroom.)

20 THE COURT: Are you Mr. Ries?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Perhaps you misunderstood, you're part  
23 of the jury now. You weren't excused. You just need to hold  
24 here for one moment. I'm going to send my law clerk back,  
25 we'll give you instructions and a pass card. What will happen

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1 next, after the deputy orients you to where the jury room is  
2 and all that, we'll take a break for lunch until about  
3 3:05 p.m. You'll be free to go for about an hour but come  
4 back because we're starting the trial after that.

5 Have a seat. You're part of the jury now. Did they  
6 find you in the lobby?

7 PROSPECTIVE JUROR: No. I was in the assembly room.

8 THE COURT: Here is Mr. Ries.

9 THE COURTROOM DEPUTY: Great.

10 THE COURT: Thank you, Mr. Ries.

11 (Juror exits the courtroom.)

12 THE COURT: If you can text Mr. Navarro, tell him to  
13 come back. Crisis averted. We found our prodigal juror.

14 Mr. Singer, what was the last issue? Let's tee it  
15 off.

16 MR. SINGER: It's simply that when the questions  
17 came up about the use of the phone of Mr. Goklu's phone after  
18 he was arrested, the Government had spoken to one of the two  
19 agents and provided a report of their conversation. And that  
20 Agent Liefke had indicated that there were, that he was  
21 unaware of or there were no signed consents of any kind --

22 THE COURT: Okay.

23 MR. SINGER: -- with regard to the phone.

24 On Friday according to the notes -- we received  
25 notes of a conversation with the undercover officer, we

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1 received those on Saturday, two days ago -- I believe it was a  
2 conversation that the notes indicated had taken place on  
3 Friday. In the conversation with the undercover officer, he  
4 had indicated that in his experience, four years of experience  
5 with Agent Liefke, that he always obtained a signed Miranda  
6 form. And O'Kain also indicated that his belief was that  
7 Liefke did get a signed consent to use the phone.

8 I suspect he might be mistaken about that, but I  
9 wanted to clarify. Because we never received either a signed  
10 Miranda form or other consent to review the phone. And the  
11 undercover seems to indicate that one or both of those forms  
12 may have been prepared and signed. So I just wanted to  
13 clarify them.

14 MS. KASSNER: Yes, Your Honor. I'm sorry I would  
15 have clarified this with defense counsel earlier, but as far  
16 as -- I guess, I'll clarify two things.

17 There is no, as far as we're aware, we've done a  
18 diligent search of the case file and there is no written  
19 Miranda waiver in this case. None has been produced because  
20 it doesn't exist. There is also no written form that was  
21 signed by the defendant giving written consent to use his  
22 cellphone after his arrest.

23 I will note that while we produced the notes of our  
24 conversation with the undercover agent as 3500, that doesn't  
25 mean his account, his recollection, is accurate. He actually

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1 wasn't in the room when the interview began. And so with  
2 respect to the Miranda form, he wouldn't have been there if  
3 one had been signed.

4 So I'm not sure what -- I guess that's the  
5 clarification, I'm not sure if there is more information the  
6 Government can provide.

7 THE COURT: So that resolves what seemed to be an  
8 inconsistent. There is no written Miranda or consent form  
9 still. The undercover, to the extent that he thought one  
10 might have been or would have been created, was presumably  
11 mistaken.

12 MR. SINGER: Judge, that's fine. It's just there  
13 was that rather glaring inconsistency. I just wanted it on  
14 the record, how that had been resolved. That's fine.

15 THE COURT: Okay. Is there going to be any  
16 testimony, though, about any oral consent by Mr. Goklu to  
17 allow the agents to use his phone to reach out to other  
18 individuals? No.

19 MS. KASSNER: No, Your Honor.

20 THE COURT: So nothing else I assume before we have  
21 openings?

22 MS. KASSNER: Very briefly, your Honor. I just, and  
23 this has to do with the limiting instruction that the parties  
24 drafted. It is the Government's position that some of the  
25 defendant's signal messages with other customers do discuss

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1 washing money, detection by the NYPD, reporting people to the  
2 NYPD, and other things that fall under the category of  
3 attempting to conceal the nature, source, location of the  
4 funds being exchanged. We just want to make sure that our  
5 opening statement won't run afoul of your Honor's ruling.

6 THE COURT: I think the defense's counter proposal  
7 is the way to go. Because the defense basically says, you  
8 should be allowed to argue that these conversations with other  
9 people that suggest law enforcement sensitivity or trying to  
10 avoid law enforcement detection can give rise to an inference  
11 about trying to conceal the identity, location, or source of  
12 the funds or the property. So you can still argue that.

13 The question, though, is whether or not I instruct  
14 the jury or characterize really for the jury, that these  
15 communications relate to an intent to conceal or disguise the  
16 nature, location, et cetera. To me, I think the defense is  
17 right, because it's one thing for me to say yes you heard a  
18 conversation where the defendant said oh, watch out for  
19 police; or, I always try to avoid the police, than saying the  
20 intent was to conceal or disguise. So the defense is only  
21 asking that I not specifically say that those are  
22 communications, relating to the intent to do all of those  
23 things.

24 It doesn't mean the Government cannot argue that.  
25 So all we would be doing is excising that reference where I'm

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1 characterizing the communication. But you would be free to  
2 argue that that's what they should infer from those law  
3 enforcement related conversations.

4 MS. KASSNER: Thank you, your Honor, that clarifies  
5 it.

6 THE COURT: I've given the alternative instruction  
7 that the defense is asking for.

8 Okay, we'll see you folks at five at after three  
9 ready to go. We'll swear in the jury and start from there.

10

11 (Lunch recess.)

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Proceedings

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1 A F T E R N O O N S E S S I O N

2 (Time noted: 3:05 p.m.)

3 THE COURT: Ryan brought to my attention that Juror  
4 No. 5 told him that she just contacted her workplace and  
5 understands that she might lose pay later this week if she is  
6 on jury duty and doesn't go to work. Now, I don't know what  
7 later this week means but let's assume Thursday and Friday,  
8 for example. She wasn't aware of this before and she feels  
9 badly for not bringing it up. Juror No. 5 I believe is Alynn  
10 Parola who was previously number 15. I don't know what she  
11 said she did, but it sounds like she might be in the physical  
12 therapy area --

13 MR. SINGER: She was a dancer. A freelance dancer.  
14 She works at a gym and at a brewery.

15 THE COURT: What do you folks want to do? We can  
16 bring her out to ask more details about this and the question  
17 is whether or not if she says she's going to literally lose  
18 salary over this, which does happen; unfortunately we do tell  
19 people who are independent contractors that they still have to  
20 stay here for jury service. Would you like me to bring her  
21 out here to ask her more about her situation?

22 MS. KASSNER: Yes, please.

23 MR. SINGER: Yes, to get a sense of how she  
24 responds.

25 THE COURT: And then you will have a better sense of

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1 if you want to excuse her or not.

2 Ryan, tell her we need to speak to her before we  
3 start.

4 THE COURT: Off the record.

5 (Discussion off the record.)

6 (Juror No. 5 enters.)

7 THE COURT: Have a seat Ms. Parola. Ryan advised us  
8 that you just learned that there might be some issue with your  
9 work as the week progresses. So, can you tell us what the  
10 situation is?

11 PROSPECTIVE JUROR NO. 5: Sorry to make your life  
12 hard. I'm a hand-to-mouth worker so I have a lot of jobs and  
13 if I don't work I don't get paid and I'm starting a new job  
14 this week and it's a dance job which are really hard to get  
15 right now. So there's a lot of concern that if I don't make  
16 it to work, that I might lose that job.

17 THE COURT: Are you okay? This is obviously very  
18 upsetting to you.

19 PROSPECTIVE JUROR NO. 5: I've got a lot of doctor's  
20 appointments lined up this week, too, because I have a lot of  
21 health stuff, too. I apologize.

22 THE COURT: No need to apologize. It's good that  
23 you were willing to serve and didn't raise this until now.  
24 When you say a dance job, is that something you need to be  
25 there for this week?



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1 PROSPECTIVE JUROR NO. 5: Yes.

2 THE COURT: When does that start?

3 PROSPECTIVE JUROR NO. 5: Thursday morning.

4 THE COURT: And then if you don't show up on  
5 Thursday morning is there a chance that you won't be able to  
6 keep that?

7 PROSPECTIVE JUROR NO. NO. 5: Correct, yes.

8 THE COURT: Where is that at, if you don't mind me  
9 asking?

10 PROSPECTIVE JUROR NO. 5: We are usually in Brooklyn  
11 but occasionally we're in Manhattan.

12 THE COURT: And then you also have doctor's  
13 appointments?

14 PROSPECTIVE JUROR NO. 5: Yes.

15 THE COURT: When do those start?

16 PROSPECTIVE JUROR NO. 5: Tomorrow.

17 THE COURT: And those are not appointments that you  
18 can move or want to move I'm guessing?

19 PROSPECTIVE JUROR NO. 5: They've been a little hard  
20 to get.

21 THE COURT: How many appointments do you have?

22 PROSPECTIVE JUROR NO. 5: I think it might just be  
23 one for this week.

24 THE COURT: Now, is there anything else besides the  
25 new dance position and the doctor's appointment that would

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1 cause problems for you?

2 PROSPECTIVE JUROR NO. 5: I also probably wouldn't  
3 get paid from the brewery that I work at or from the climbing  
4 gym, which means I might not be able to pay rent this month.  
5 It's a little stressful.

6 THE COURT: Okay. I'm going to have you go back to  
7 the jury room. Ryan will take you back. Just give us a  
8 second so I can talk with the lawyers.

9 PROSPECTIVE JUROR NO. 5: Sorry about that.

10 THE COURT: I am sorry this has caused so much  
11 stress.

12 (Prospective juror exits.)

13 THE COURT: Folks, it's a bit of see-saw. We lost a  
14 juror and we found a juror and now it appears we might lose  
15 another one. How do the parties want to proceed?

16 MS. KASSNER: Your Honor, I think that it makes  
17 sense to proceed with just one alternate given -- I think it's  
18 readily apparent how much stress and -- frankly, it seems like  
19 she really can't sit for this trial.

20 THE COURT: Mr. Singer?

21 MR. SINGER: I'm a little annoyed because she had  
22 lots of opportunities to tell us this, but it seems pretty  
23 clear that she's -- ordinarily if a juror came in and said  
24 these things, I'm one of the first people to say let them go.  
25 We're not trying to destroy their lives and have them lose

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1 income.

2 THE COURT: Well, annoyance --

3 MR. SINGER: I don't think we have any choice now.  
4 We have to let her go.

5 THE COURT: On the other hand, I think she was  
6 perhaps trying to do her duty but she should have raised this  
7 before. I'm going to let her go. I do feel it would be  
8 unduly stressful especially the last part about not being able  
9 to pay rent. Everything she raises are legitimate concerns  
10 and obstacles to her serving. We'll let her go and proceed  
11 with the 13 jurors, 12 regular and one alternate. I will tell  
12 the jurors not to speculate at all as to why she's not with  
13 them. Let's just bring in everyone but her and then you can  
14 go back and let her --

15 MS. KASSNER: While that is happening, Your Honor,  
16 could I place one thing on the record?

17 THE COURT: Sure.

18 MS. KASSNER: I spoke earlier with one of the  
19 Government's anticipated witnesses, Mr. Patrick O'Kain,  
20 formerly Special Agent Patrick O'Kain, and he alerted me that  
21 he when he was in the restroom he ran into somebody who did  
22 have a juror sticker on and there was a very brief exchange  
23 where that individual held the door for him and he said thank  
24 you. That, as far as I'm aware, is the entirety of the  
25 conversation, but just inn an extreme abundance of caution, I

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1 wanted to put that on the record.

2 THE COURT: It's seemed innocent. Do you want to  
3 say anything, Mr. Singer, about that?

4 MR. SINGER: Ms. Kassner informed me of that and I  
5 agree, that's noneventful.

6 THE COURT: For what it's worth, Mr. Singer, I could  
7 have lectured her but it seemed like she was perhaps  
8 misguidedly trying to do her duty, but not really realizing  
9 that she could let us know the hardship it would have caused  
10 her.

11 MR. SINGER: I agree. And she understands that it  
12 was an inconvenience for all of us.

13 THE COURT: Understood. We're in a less-than-ideal  
14 position, but certainly not fatal.

15 (Pause in proceedings.)

16 (Jury enters.)

17 THE COURT: Please be seated everyone. Ladies and  
18 gentlemen of the jury, you may have noticed that we have one  
19 less juror amongst you, but you are not to speculate at all as  
20 to why it is that Juror No. 5 is no longer seated with you.

21 First, let me ask the Government, is the jury  
22 satisfactory to the Government?

23 MS. KASSNER: Yes, Your Honor.

24 THE COURT: And to the defense?

25 MR. SINGER: Yes.

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1 THE COURT: So we're now going to swear you in so if  
2 you will rise and raise your right hand. I promise you it's  
3 the last time today you will have to be sworn in.

4 (Jury sworn.)

5 THE COURT: Ladies and gentlemen, we are about to  
6 begin the trial of this criminal case about which you heard  
7 some during the process of jury selection. Now that you have  
8 been sworn in, I would like to give you some preliminary  
9 instructions to guide you in your participation in this trial.  
10 To begin with, you are here to administer justice in  
11 this case according to the law and evidence. You are to  
12 perform this task with complete fairness and impartiality and  
13 without bias, prejudice or sympathy for or against the  
14 Government or the defendant. This is important to the  
15 defendant who is charged with two crimes and has a  
16 Constitutional right to receive a fair trial. The case is  
17 also important to the Government, since the enforcement of  
18 criminal law is important.

19 The case is based on an indictment, which I  
20 discussed with you briefly during jury selection, which  
21 charges the defendant with money laundering and unlicensed  
22 money transmitting. As I have already advised you, the  
23 indictment is the document by which a criminal action is  
24 commenced. It is merely an accusation, a charge. It is not  
25 evidence of the defendant's guilt. It will be your duty to

1 find from the evidence what the facts are. You and you alone  
2 are the judges of the facts. You will then have to apply  
3 those facts to the law as I instruct you at the conclusion of  
4 the trial.

5           You must follow the law whether you agree with it or  
6 not. Now, from time to time, legal issues may arise which are  
7 of no concern to you. You decide the facts, but I decide the  
8 law. These issues may make it necessary for me to confer with  
9 the counsel at sidebar, as you have already seen, or to excuse  
10 you from the room so that we can have a longer discussion and  
11 you can be more comfortable during that brief break. You are  
12 not to be speculating as to what we're talking about and  
13 please do not take any offense that we're talking about  
14 something out of your presence.

15           Now, nothing I say or do during the course of the  
16 trial is intended to indicate or should be taken by you as  
17 indicating what your verdict should be. At times I may ask  
18 questions. If so, it's only for the purpose of clarification.  
19 It is not in any way intended to indicate an opinion about the  
20 facts or indicate the weight that you should give the  
21 testimony of any witness.

22           Now let's talk about the burden of proof and certain  
23 rules relating to criminal cases. There are three basic rules  
24 about a criminal case that you must keep in mind. First, the  
25 defendant is presumed innocent until found guilty. The

1 indictment brought by the Government against the defendant is  
2 only an accusation, nothing more. It is not proof of guilt or  
3 anything else. The defendant, therefore, starts out with a  
4 clean slate. Second, the burden of proof is on the Government  
5 until the very end of the case. The defendant has no burden  
6 to prove his innocence or to prove -- or to present any  
7 evidence or to testify at the trial. Since the defendant has  
8 a right to remain silent, the law prohibits you from arriving  
9 at your verdict by considering that the defendant may not have  
10 testified or put on any evidence. Third, the Government must  
11 prove the defendant's guilt beyond a reasonable doubt.

12 I will give you further instructions on this point  
13 later, but bear in mind that in this respect a criminal case  
14 is different than a civil case which has a different burden of  
15 proof. The evidence from which you will find the facts will  
16 consist of the testimony of witnesses on direct and  
17 cross-examination, documents and other evidence received into  
18 the record as exhibits and any facts that the lawyers agree or  
19 stipulate to.

20 Certain things are not evidence and must not be  
21 considered by you. I will list them for you now: Statements,  
22 arguments and questions by the lawyers are not evidence.  
23 Objections to questions are not evidence. Lawyers have an  
24 obligation to their clients to make objections when they  
25 believe evidence is being offered for an improper purpose

1 under the rules of evidence. You should not hold it against  
2 the lawyers if they make objections. You should not be  
3 influenced by the objection or my ruling on it. If the  
4 objection is sustained, ignore the question. If it is  
5 overruled, treat the answer like any other. So remember,  
6 sustained, ignore the question and the answer; overruled,  
7 treat it like any other answer.

8           If you are instructed that some item of evidence is  
9 received for a limited purpose, you must follow that  
10 instruction. Testimony that I have excluded or told you to  
11 disregard is not evidence and should not be considered. And  
12 anything you may have seen or heard outside the courtroom is  
13 not evidence and must be disregarded. You are to decide the  
14 case solely on the evidence presented in this courtroom. If  
15 there is any publicity about this case, not that I expect it,  
16 you must completely disregard it and not be influenced by it.  
17 If something pops up on your phone or something happens that  
18 suggests something about this case, you should avoid listening  
19 or hearing that -- listening or seeing that. Finally, you are  
20 instructed once again not to read, listen or watch any news  
21 reports on this case should there be any.

22           Now, there are two types of evidence, direct and  
23 circumstantial. Direct evidence is direct proof of a fact  
24 such as testimony from an eyewitness. Circumstantial evidence  
25 is proof of facts from which you may infer or conclude that



1 other facts exist. I will give you further instructions on  
2 these as well as other matters at the end of the case. But  
3 keep in mind that you can consider both types of evidence,  
4 direct and circumstantial. It will be up to you to decide  
5 which witnesses to believe, which witnesses not to believe and  
6 how much of any witness's testimony to believe or not. I will  
7 give you some guidelines at the end of the trial again about  
8 determining the credibility of witnesses when you get closer  
9 to your deliberation.

10 Now, a few words about your conduct as jurors. As I  
11 said before, you must decide this case based solely on the  
12 evidence presented within the four walls of this courtroom.  
13 This means that during the trial you must not conduct any  
14 independent research about this case, the matters in the case  
15 or the individuals or entities involved in this case.

16 In other words, don't consult any dictionaries or  
17 reference materials, search the internet, websites or blogs or  
18 use any other electronic tools to obtain information about  
19 this case or to help you decide this case. Please do not try  
20 to find out any information from any source outside the  
21 confines of this courtroom. Similarly you are not to send any  
22 information out about this case. So you cannot Twitter, blog,  
23 text, or Google the people in the case or about your  
24 experience as a juror until after you are excused from jury  
25 service.

1           Now, let me reiterate again that you are not to  
2 discuss the case with anyone or let anyone talk to you about  
3 the case during the entire time that you are a juror in this  
4 case and that includes amongst yourselves.

5           So when you are taking breaks you cannot talk about  
6 this case until you retire for your deliberations. And,  
7 lastly, keep an open mind, wait until you hear all of the  
8 evidence before forming opinions about your verdict in this  
9 case. One last note about note taking. If you want to take  
10 notes during the course of the trial, you may do so. However,  
11 if you do take notes, be sure that your note taking doesn't  
12 interfere with your listening to and considering the evidence.

13           Now, if this informs your decision about whether to  
14 take notes or not, you should note that during your  
15 deliberations you can have any part of the transcript sent  
16 back to you in the jury room in case you forget about  
17 someone's testimony or about some piece of evidence. So for  
18 those of you that are worried that you have to write down  
19 everything that happened, you do not. There will be a  
20 transcript that will be available to you during your  
21 deliberations.

22           If you do take notes, do not discuss them with  
23 anyone before you begin deliberations and do not take your  
24 notes home with you at the end of the day but leave them in  
25 the jury room. If you choose not to take notes, remember that

1 it's still your individual responsibility to listen to and  
2 receive the evidence in the case. You cannot delegate that to  
3 someone else who is taking notes. We depend on the judgment  
4 of all the members of the jury. You all must remember the  
5 evidence in this case as I said before. However, if your  
6 memories fail, you can ask to have the transcript sent back to  
7 you.

8 Let me explain how the trial will proceed. First,  
9 the Government will make an opening statement which is simply  
10 an outline to help you understand the evidence as it comes in.  
11 It's not evidence itself. It's not even argument. It's  
12 simply an outline or a preview of what the Government expects  
13 the evidence to be. Next, the defense attorney may but does  
14 not have to make an opening statement. Again, opening  
15 statements are neither argument nor evidence.

16 The Government will then present its witnesses and  
17 the counsel for the defendant cross-examine those witnesses.  
18 Following the Government's case, the defendant may, if he  
19 wishes present witnesses for the Government to cross-examine.

20 After all the evidence has been submitted the  
21 attorneys will present their closing arguments to you to  
22 summarize and interpret the evidence for you. And then I will  
23 instruct you on the law. After that, you will retire for your  
24 deliberations. Now, specifically I want to address our one  
25 alternate juror on the end there. You should listen just as

1 carefully and conscientiously as the other jurors. You may  
2 well be called upon prior to the end of the case to take the  
3 place of one of the other jurors and you will have to render a  
4 verdict along with the other jurors. So please pay strict  
5 attention at all times.

6 As I am sure you have noticed -- we obviously are  
7 wearing masks in the courtroom. What you choose to do in the  
8 jury room is really up to you individually. I'm not going to  
9 require you to wear a mask in the jury room itself, but for  
10 those of you who feeling uncomfortable being unmasked, you  
11 should keep it on. I'm not going to dictate what happens in  
12 the jury room, but you should all abide by whatever  
13 precautions you feel are necessary and that you are most  
14 comfortable with.

15 If there is any issue about that, you can raise it  
16 with the deputy, Ryan, and then tomorrow the other deputy who  
17 will be here named Fida. One last thing about our schedule.  
18 I ask that every day you be ready to go here in the jury room  
19 by 9:30 a.m. and each day should run until about 5:30 p.m. I  
20 ask that you all be on time as a courtesy to each other and  
21 the parties because we cannot start until all of you are here  
22 and ready to go. We will typically take a 15-minute break in  
23 the morning and in the afternoon and then we will break for  
24 such for an hour at 1 p.m. or thereabout, depending on where  
25 we are in the presentation of evidence. And that will be our

## Opening Statement - Diouf

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1 schedule throughout.

2 As I said before, we're not sitting on Wednesday  
3 because of the Jewish holiday and then Monday, next Monday  
4 which is Columbus Day. In addition and I forgot to mention  
5 this during jury selection, tomorrow we're going to break  
6 early at 1 p.m. also because of observance of the Jewish  
7 holiday. Tomorrow we're going to have a short day from 9:30  
8 to 1. I appreciate your patience in terms of coming in, but  
9 we're going to try to move this case along as expeditiously as  
10 possible.

11 As I said to you during jury selection, not wasting  
12 your time is one of my top priorities and I will do everything  
13 I can to move this trial along as efficiently as possible.  
14 All right. So I think with that, Ms. Kassner -- Ms. Diouf,  
15 are you making the opening? Let's have you mic up. You will  
16 be heard better.

17 MS. DIOUF: That man, the defendant, Mustafa Goklu  
18 is a money launderer. He ran an illegal business converting  
19 Bitcoin, a type of digital currency, to cash. Through that  
20 business, the defendant met repeatedly with a man who he  
21 thought was a drug dealer. In exchange for hefty fees, the  
22 defendant took the drug dealer's money and converted it from  
23 Bitcoin into cash; concealing what it was, who owned it and  
24 where it came from.

25 The defendant met the drug dealer seven times and

## Opening Statement - Diouf

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1 converted more than \$130,000 worth of the drug dealer's money  
2 from Bitcoin to cash. What the defendant didn't know is that  
3 the drug dealer was an undercover agent with the Drug  
4 Enforcement Administration. The defendant also didn't know  
5 that the undercover agent recorded their meetings. That is  
6 why we are here today.

7           Members of the jury, my name is Marietou Diouf and  
8 I'm an assistant United States attorney here in the Eastern  
9 District of New York. I am joined by my colleagues, Assistant  
10 United States Attorneys, Gillian Kassner and Francisco  
11 Navarro, paralegal specialist Bridget Donovan and DEA Special  
12 Agent Julian Herr. Together we represent the United States of  
13 America.

14           Let's talk about Bitcoin. Bitcoin is a type of  
15 digital currency that can be used like cash. There are two  
16 main ways to change Bitcoin into cash. The first is by using  
17 a commercial exchange a platform similar to a bank. One exam  
18 of that is Coinbase. Commercial exchanges require names and  
19 identifications. They are quick and relatively cheap to use.  
20 The second way is through a peer-to-peer exchange. And  
21 peer-to-peer exchange. People meet up directly, one person  
22 transfers Bitcoin and the other in turn hands over cash.  
23 Typically, peer-to-peer exchanges do not require  
24 identification.

25           The defendant ran a peer-to-peer money exchange

## Opening Statement - Diouf

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1 business; meeting his customers in person in his parked car  
2 where he exchanged their Bitcoin or cash for a fee and the  
3 defendant's service was expensive. Three to four times what  
4 Coinbase charged for the same transaction. But in exchange  
5 for that cost, what the defendant offered his customers was  
6 the ability to remain anonymous; to conceal where their money  
7 was coming from and avoid detection by law enforcement so they  
8 can continue to engage in illegal activities like drug  
9 dealing.

10 In July 2018, an undercover DEA agent posing as a  
11 drug dealer reached out to the defendant on an instant  
12 messaging application, after seeing the defendants  
13 peer-to-peer exchange advertisement online. The agent asked  
14 the defendant if he could meet to exchange \$5,000 is worth of  
15 Bitcoin into cash. Within three minutes, sight unseen, the  
16 defendant agreed to meet.

17 Over the next several months the defendant and the  
18 undercover agent met seven times to convert Bitcoin to cash  
19 and each time the undercover agent told the defendant more and  
20 more about his business. He told the defendant that he got  
21 his money from selling pills to college kids, like oxycodone  
22 and Adderall and that he sold marijuana. The defendant was  
23 undeterred. He continued to exchange Bitcoin for the  
24 undercover agent in greater and greater amounts, starting at  
25 \$5,000 at a time and progressing to more than \$40,000 at a

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1 time. Finally, the defendant was arrested while in the middle  
2 of exchanging approximately \$50,000 worth of Bitcoin.

3 THE COURT: Sorry, folks. We need you to be a  
4 little quieter with the translation. If you can move back a  
5 little bit farther. It would be helpful to the Court  
6 reporter. My apologies. Why don't you restart wherever you  
7 left off. The last sentence was \$50,000 of Bitcoin.

8 MS. KASSNER: Finally, the defendant was arrested in  
9 the middle of exchanging approximately \$50,000 worth of  
10 Bitcoin. For moving money and hiding where it came from, the  
11 defendant is charged with money laundering. For running a  
12 business converting money from one form to another without a  
13 license as required by law, the defendant is charged with  
14 operating an unlicensed money transmitting business.

15 The Government will prove these charges to you  
16 beyond a reasonable doubt through three main types of  
17 evidence. First, the defendant's statements. The defendant's  
18 exchanges with the undercover agent were audio recorded and we  
19 will play those recordings for you. You will hear the  
20 defendant's own words, instructing the undercover agent to be  
21 careful and discussing his fear of being caught by the NYPD.

22 Agreeing to exchange money for the undercover agent  
23 after being told that the source of the money he's converting  
24 are illegal drugs. We'll show you the defendant's encrypted  
25 text messages with the undercover agent as well as with his



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1 other customers. In these messages you will see the defendant  
2 consistently agreed to meet customers sight unseen without  
3 ever asking for a name, address or a form of ID.

4 Second, physical evidence. You will learn that on  
5 the day of the defendant's arrest law enforcement searched his  
6 apartment and car. You will see some of the items found  
7 during that search; a money counter used to count cash for the  
8 defendant's business; a cell phone the defendant used to  
9 communicate with the undercover agent and his other customers;  
10 a laptop containing documents relating to the defendant's  
11 business.

12 Third, witness testimony. You will hear from the  
13 undercover agent about the transactions with the defendant.  
14 He will tell you that he told the defendant that his Bitcoin  
15 came from the sale of illegal drugs. You will hear about the  
16 precautions that the defendant took to avoid detection by law  
17 enforcement. You will also hear from an expert who will  
18 explain the different ways that Bitcoin can be exchanged for  
19 cash and how peer-to-peer exchanges facilitate a market for  
20 drug dealers to use their profits to further their illegal  
21 businesses.

22 You will hear from representatives from the New York  
23 State Department of Financial Services, the United States  
24 Department of Treasury, who will confirm that the defendant  
25 did not have a license to operate a money transmitting

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1 business as required by law.

2 Members of the jury, after you have seen and heard  
3 all of the evidence we will come back to you and ask you to  
4 return the only verdict consistent with that evidence, guilty.

5 THE COURT: Thank you very much Ms. Diouf.

6 Mr. Singer, do you wish to make an opening  
7 statement?

8 MR. SINGER: Yes, Your Honor.

9 THE COURT: All right.

10 MR. SINGER: Good afternoon, ladies and gentlemen.  
11 Again, my name is Murray Singer. Along with Emilee Sahli. We  
12 represent Mustafa or Michael Goklu. We call him Michael  
13 Goklu. Mr. Goklu is referred to throughout these proceedings  
14 as the defendant. His name is Michael Goklu. He's an  
15 individual and he's the person who is being accused and has  
16 entered a plea of not guilty to these charges. So, okay, we  
17 just heard the Government's opening, this is what the evidence  
18 is going to show and it's my opportunity to come before you  
19 and say not so fast.

20 There are two charges in this indictment as you have  
21 heard; a charge called money laundering and a charge called  
22 operation of an unlicensed money transmitting business.  
23 There's a number of pieces, or elements, in the definition of  
24 these charges and what the Government is required to prove. I  
25 want to highlight some of the evidence that you're going to

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1 hear as it relates to those elements or pieces.

2 One of the things that the Government is going to  
3 have to prove and that is in dispute here is whether Mr. Goklu  
4 believes that what this undercover officer was coming to him  
5 with, the Bitcoin that he was coming to him with, was, in  
6 fact, the proceeds of illegal, unlawful drug transactions,  
7 okay? Not what the undercover officer may have said, not what  
8 the prosecutors may believe or infer from that, but what  
9 Mr. Goklu understood, processed, believed.

10 So they have to prove that he believed that what was  
11 being brought to him were the proceeds of unlawful drug  
12 transactions and our contention is that the evidence is not  
13 going to support that. I will talk about that in a second.

14 If he believed -- if, in fact, he believed that what  
15 we're talking about is unlawful -- the proceeds of unlawful  
16 drug transactions, the Government also has to prove that  
17 Mr. Goklu's intention or purposes in conducting these  
18 exchanges was to hide the source of the money; to help the  
19 person who was supposedly a drug dealer to help him hide,  
20 launder, clean up, the source of the money that is not -- not  
21 that it might have facilitated that, but then Mr. Goklu's  
22 intention and purpose was to do so.

23 So the transactions start with and you can hear it  
24 in the recordings. Mr. Goklu is heard counting out the money  
25 because they start with how much cash is there going to be.

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1 I'm going to give you 3,000, 5,000, 20,000, whatever the  
2 amount was in each of the transactions and they count it out  
3 and you can hear the money machines. You may be familiar with  
4 them from the bank. When you go to the bank and take out  
5 \$1,000, the teller will run it through a machine and it zips  
6 right through and it counts the bills. So he was getting a  
7 fee to figure out the money. I'm going to give you \$5,000, my  
8 fee is X percent, and, so we take that out.

9 And then the second part of the transaction was the  
10 Bitcoin transfer. And for those of you folks that don't deal  
11 with and don't understand Bitcoin, nobody is ever going to  
12 make you understand it, why it exists, but you're going to  
13 learn about how it works; that when a transfer takes place and  
14 you don't need to know every detail, but essentially, when you  
15 are transferring out of your -- what's called your wallet or  
16 the app on your phone, you initiate the transfer and it  
17 takes -- it can take a little bit of time to get confirmation  
18 that the transfer is taking place. It's referred to as adding  
19 to the block chain and you will hear about -- you will learn  
20 about all of these terms, but essentially, the two of them are  
21 sitting in the car.

22 First, they count out the cash and then the  
23 undercover initiates the transfer and then they're sitting  
24 there waiting for the transaction to clear. And it could be  
25 ten minutes or 20 minutes or 30 minutes and while they're

## Opening Statement - Diouf

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1 sitting there, they're just chatting, people that are sitting  
2 there waiting for something just start talking about stuff.  
3 And that's what you will hear on these tapes and then once the  
4 transaction clears, they say goodbye and go their separate  
5 ways. Each one of the transactions is that.

6 Now, the Government alleges that each one of these  
7 seven transactions was done by Mr. Goklu where he knew that  
8 these were proceeds of unlawful drug transactions and that his  
9 purpose was to help the undercover hide the source of the  
10 money. What you're going to hear -- the first time they met  
11 was in August 2018. And they met again -- these transactions  
12 were between August of 2018 and April of 2019.

13 So there's one in August, one in September, one in  
14 November, one in December, so these first four meetings, there  
15 is not a single mention of where this money was coming from,  
16 of where the Bitcoin was coming from. And you will hear, you  
17 know, Mr. Goklu they're exchanging large amounts of cash in  
18 the street or in a car, and you know, you don't want to draw  
19 law enforcement attention to yourself because they will see  
20 your money and ask questions later. And only later after they  
21 realize that there wasn't anything going on, you might get  
22 your money back, but you don't want to get the police  
23 involved. It's none of their business but they're going to  
24 look at it and Mr. Goklu expresses on several occasions that,  
25 you know, if the police see a money changing machine, they're

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1 going to think we're drug dealers.

2           The undercover officer never says to him, well, I  
3 am. That's the money I'm bringing to you. He never says  
4 anything like that. He doesn't indicate either the text  
5 messages leading up to the meeting or in the meeting itself  
6 where the money is coming from or what his business is. You  
7 know, he dances around it. I'm operating an online business.

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9           (Continued to the following page.)

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## Opening Statement - Singer

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1 (Continuing.)

2 MR. SINGER: That his -- not just that it might have  
3 facilitated that, but that Mr. Goklu's intention and purpose  
4 was to do so and we submit the evidence is going to fail in  
5 that regard as well.

6 So let's consider what you are going to hear in the  
7 evidence here. The prosecutor's opening statements just  
8 indicated that there were a number of transactions. There  
9 were seven meetings between Mr. Goklu and the undercover  
10 officer. A person who turned out to be a undercover police  
11 officer that Mr. Goklu was not aware of that until he was  
12 arrested. Each one of the seven meetings essentially were  
13 conducted in the same way.

14 The undercover officer brought Bitcoin to the  
15 meeting. And you'll learn about Bitcoin. It's essentially an  
16 electronic or digital currency or something that is akin to an  
17 app on your phone that you can access it and you can transfer  
18 it from your phone to another person. So the undercover  
19 officer brought the Bitcoin essentially in his phone and  
20 Mr. Goklu brought cash. And each transaction was meant to be,  
21 you're going to give me Bitcoin and I'm going to give you  
22 cash.

23 And each one of the transactions, each of the seven  
24 times, that's essentially what happened. And we're talking  
25 about thousands of dollars. And Mr. -- the evidence will show

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1 Mr. Goklu had -- and you'll even hear it on the recordings of  
2 each one of these transactions, six of the seven were fully  
3 recorded. And you will have them as evidence and you'll be  
4 able to listen to them. And believe me, I'm going to  
5 encourage you to listen to them. Every last second of it.

6 Because each one of these meetings counting out the  
7 money and Mr. Goklu charged a fee. Part of what he was doing,  
8 he was making a percentage off of the transfer. Welcome.  
9 That's the money I'm bringing to you. He never says anything  
10 like that.

11 August, September, November, December, there's not a  
12 single mention by the undercover officer where this Bitcoin is  
13 coming from. And yet, the Government is here alleging that  
14 Mr. Goklu knew that it was drug money. And Mr. Goklu's  
15 purpose in doing the transactions was not to earn his fee,  
16 because he's making hundreds of dollars. Not that's what his  
17 purpose was, but that his purpose was to hide the source of  
18 the money. He didn't even know the source of the money.

19 Okay. He didn't intend to hide it. He doesn't even  
20 know where it's coming from or that it needs to be hidden  
21 because. The undercover never said to him, Hey, I got to hide  
22 this stuff. I want to change it from Bitcoin to cash because  
23 I need to launder this and hide it. He never said that. You  
24 got two meetings in January, the fifth and sixth meetings.  
25 And then a seventh meeting in April where at the end of the



## Opening Statement - Singer

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1 meeting the arrest takes place.

2 Well, the undercover finally starts to open up a  
3 little bit and start to say things about the source of some of  
4 his business. Part of it, there's some discussion, and  
5 Mr. Goklu indicates that he knows somebody that does this as  
6 well, operates a legal marijuana business in California, where  
7 the state law in California, they legalized marijuana. Like  
8 New York is doing now and in the process of doing now,  
9 California has done that for a number of years.

10 And individuals can legally grow marijuana on a  
11 farm, cannabis farm. They can sell it to a dispensary, a  
12 lawful dispensary. You pay taxes on it. It's all legal. So  
13 there's discussion about a legal marijuana business. And,  
14 again, the charge requires that it be unlawful drug money.

15 But in the first of the two January meetings, the  
16 undercover starts mentioning, oh, I sell pills. And he  
17 says -- you'll hear this on the tapes. It's all there. There  
18 is no dispute about what the undercover officer said to  
19 Mr. Goklu.

20 But again, the dispute is about what he heard or  
21 processed or understood from it. Because the undercover  
22 officer says, So I can get you Oxy's. And Mr. Goklu. This  
23 sophisticated money launderer says to the undercover, What's  
24 Oxy's? He doesn't even know what they are. That's there  
25 evidence.

## Opening Statement - Singer

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1           And then the undercover mentions something about  
2 Adderall. When you listen to these conversations, Mr. Goklu  
3 doesn't respond. He doesn't indicate in any way that he  
4 understands what this guy is talking about, but he continues  
5 to do the transactions like he did the first four because he  
6 was making money off of it. And then, what clearly -- what  
7 the evidence will clearly demonstrate to you about what  
8 Mr. Goklu knew and believed, happens at the beginning of the  
9 April 30th of the 2019, a seventh meeting. At the sixth  
10 meeting, there was nothing about where the money was coming  
11 from.

12           But in the final meeting on April 30th, you know,  
13 while they're sitting there waiting for some of the  
14 transactions to go through -- actually, this was at the  
15 beginning before they did the transactions. They're just, you  
16 know -- it's the seventh time they've met. They kind of know  
17 each other by now. And Mr. Goklu asked the undercover, how's  
18 business? Just your basic greeting when you met with somebody  
19 that you had some dealings with. How's business? And the  
20 undercover says, Booming.

21           And Mr. Goklu gives what I submit to you as the kind  
22 of response that people kind of half jokingly make, half  
23 meaning it, will give in that situations. He says to the  
24 undercover officer, Hey, may be I should get in on that  
25 business. Hey, your business is booming. May be I should get

## Opening Statement - Singer

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1 in on that. And the undercover says, You want, you want in?  
2 And what Mr. Goklu says in response to that, he wants to know  
3 how much it costs to get into a cannabis farm. That's it. He  
4 wants to know how much is a cannabis farm. The cannabis farms  
5 that the undercover officers indicated that he operates or  
6 connected with in California, a legal cannabis farm. Nothing  
7 about pills, or Oxy, or Adderall. That's what the evidence is  
8 going to show you.

9 Now, the reason we need you folks. The reason you  
10 are here spending your week with us, is because the  
11 prosecution and the defense don't agree on what this means and  
12 what this shows. The Government has the obligation to  
13 convince you beyond a reasonable doubt that Mr. Goklu knew and  
14 believed that these were the proceeds of illegal drug  
15 transactions and that his intention and purpose was to conceal  
16 and disguise the source of the money, where it came from.

17 So folks, listen carefully to the evidence. I  
18 suspect that the prosecution's witnesses are going to get on  
19 and they are going to highlight those portions of their  
20 meetings where Mr. Goklu doesn't want the police around. It's  
21 like spooky and scary and why would somebody do that? Why  
22 would somebody want to do a private transaction rather than,  
23 you know, a public one through some -- essentially a bank.  
24 Why would somebody not want the police around.

25 In summations, I'll be able to talk to you a little

## Opening Statement - Singer

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1 bit more about that and answer some of those questions, but  
2 the Government is going to put in little bits and pieces of  
3 this and rye to make it all spooky and scary and somehow  
4 underhanded. And I am urging you folks to keep an open mind.  
5 There's another way of viewing this evidence. There are other  
6 inferences to be drawn from the evidence that will be  
7 presented to you.

8 And I'm going to be going through them in my closing  
9 arguments to you. After I've asked you and begged you to  
10 listen carefully to the recordings of these transactions. So  
11 folks, keep an open mind. Don't just jump to the conclusions  
12 that the prosecutors and the undercover agents jumped to right  
13 from the get-go. Keep an open mind, listen to all the  
14 evidence, I will have a chance to speak to you at the end of  
15 the case.

16 Thank you very much.

17 THE COURT: Thank you very much, Mr. Singer.

18 MS. KASSNER: Your Honor, before our first witness,  
19 AUSA Francisco Navarro is going to read stipulation into the  
20 record.

21 THE COURT: All right.

22 MR. NAVARRO: Your Honor, can I just get the Elmo?  
23 It would be easier for the jury to follow.

24 THE COURT: Yes.

25 You can publish it.

## Opening Statement - Singer

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1 (Exhibit published.)

2 MR. NAVARRO: I'll do my best to read it slowly.

3 United States of America against Mustafa Goklu, also  
4 known as Mustangy. It is hereby stipulated and agreed by and  
5 between by the United States of American, by Assistant United  
6 States attorneys Gillian A. Kassner and Marietou E. Diouf, and  
7 the defendant, Mr. Mustafa Goklu, by his attorneys Murray  
8 Singer and Emilee Sahli that:

9 Government's Exhibit 1001, is a cellular telephone.  
10 And I'm going to hold it up to the jury. Government's  
11 Exhibit 1001, is a cellular telephone Samsung Galaxy S9 plus,  
12 IMEI: 353522096665860, which was recovered from the defendant  
13 on April 30, 2019.

14 Government's Exhibits 201 through 228 consist of  
15 true and accurate copies of a subset of images extracted from  
16 Government's Exhibit 1001. Images in 228 contain screenshots  
17 of messages from Government's Exhibit 1,001.

18 Government's Exhibit 1002, which I'm holding up to  
19 the jury, consist of a laptop computer, Apple MacBook Pro  
20 Retina Serial Number C02L58C1DR53, which is recovered from a  
21 search of the defendant's residence, located at 50-30 39th  
22 Place, Floor 2, Long Island City, New York on April 30, 2019,  
23 and that's Exhibit 1002.

24 Government's Exhibit 701 through 765, consist of  
25 true and accurate copies of a subset of images and documents

## Opening Statement - Singer

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1 extracted from Government's Exhibit 1002, which is the laptop  
2 I was just holding.

3 Government's Exhibit 1003, consist of a G-star  
4 Technologies money counter, which was recovered from a search  
5 of the defendant's black 2013 Mercedes Benz sedan bearing  
6 vehicle identification number WDDNG8DB2DA515230, and New York  
7 license plate JER-4428 on April 30, 2019. And that's  
8 Government's Exhibit 1003.

9 Government's Exhibit 201 through 238, 701 through  
10 765, and 1001, and 1003, and this stipulation, which has been  
11 marked for identification as Government's Exhibit 1102 are  
12 admissible in evidence.

13 So stipulated, Brooklyn, New York, September 28,  
14 2022. And I'm putting it on the screen so you can see that  
15 it's signed by both parties.

16 That's it, Your Honor. Thank you.

17 THE COURT: Thank you.

18 Call your first witness.

19 MS. KASSNER: The Government calls DEA Special Agent  
20 Lilita Infante.

21 THE COURT: So Ladies and Gentlemen, since we got a  
22 late start in the afternoon session, I'm going to dispense of  
23 our 15-minute break, but if anyone needs a nature break,  
24 please raise your hand. So we can get in more presentation  
25 today.

Opening Statement - Singer

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1           Agent, if you will approach the witness stand and  
2 remain standing for a moment so you can be sworn in.

3           THE COURTROOM DEPUTY: Do you solemnly swear or  
4 affirm that the testimony you are about to give in this case  
5 now before the Court, will be the truth, the whole truth and  
6 nothing but the truth.

7           THE WITNESS: I do.

8           THE COURTROOM DEPUTY: Please state and spell your  
9 name for the record, please.

10           THE WITNESS: Lilita Infante; L-I-L-I-T-A.  
11 I-N-F-A-N-T-E.

12           THE COURT: You may have a seat.

13           .

14           (Continued on the following page.)

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Infante - direct - Diouf

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1 LILITA INFANTE,

2 having been first duly sworn, was examined and  
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MS. DIOUF:

6 Q Good afternoon, Special Agent Infante.

7 I'm here in the back at the podium a few feet away  
8 from you.

9 A Good afternoon.

10 Q Special Agent Infante, are you employed?

11 A Yes.

12 Q Where do you work?

13 A I work at the Drug Enforcement Administration.

14 Q Is the drug information administration --

15 MS. KASSNER: Special Agent Infante, if you could  
16 remove your mask while you're testifying. Thank you.

17 Q Is the Drug Enforcement Administration also known as the  
18 DEA?

19 A Yes, it is.

20 Q And you mentioned you are a special agent.

21 What is the special agent at the DEA?

22 A Special agent at the DEA is -- investigates narcotics and  
23 money laundering crimes. Common duties will include writing  
24 affidavits, issuing subpoenas, doing physical surveillance,  
25 financial investigations as well, tracing illicit funds,



Infante - direct - Diouf

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1 writing affidavits for wiretaps, executing search warrants and  
2 arrest warrants, et cetera.

3 Q How long have you been a special agent at the DEA?

4 A Approximately nine years.

5 Q What is your current assignment?

6 A I currently work at the cyber -- Counter Narcotics Cyber  
7 Investigation Task Force in the Miami field division.

8 Q And prior to serving as a special agent at the DEA for  
9 nine years, where did you attend college?

10 A I attended Columbia University where I studied economics  
11 and Harvard University where I studied general management.

12 Q What are your duties and responsibilities in the Miami  
13 office that you currently work at?

14 A I investigate specifically cryptocurrency related crimes  
15 that relate to narcotics and money laundering.

16 Q What are cryptocurrency related crimes?

17 A Anything that has to do with utilizing cryptocurrency in  
18 furtherance of a crime. Such as taking cryptocurrency as a  
19 payment for illicit goods and services or using cryptocurrency  
20 to launder money or hide the proceeds of an illicit illegal  
21 activity.

22 Q Approximately how many cryptocurrency enabled money  
23 laundering and narcotics cases have you investigated?

24 A Probably over 20 at this point.

25 Q And approximately how many of those investigations

Infante - direct - Diouf

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1 involved cryptocurrency?

2 A All of them.

3 Q Have you ever arrested an individual for money laundering  
4 in connection with cryptocurrency?

5 A Yes, on multiple occasions.

6 Q Have you received any formal training in this area that  
7 you investigate?

8 A Yes. I received training in tracing cryptocurrency,  
9 Blockchain analysis, general financial investigations when it  
10 comes to cryptocurrency, and narcotic sales on the internet as  
11 well.

12 Q Have you lead any trainings on cryptocurrency enabled  
13 money laundering and narcotics trafficking offenses?

14 A Yes. I have lead several trainings all over the world  
15 that include cyber investigations that have touched  
16 cryptocurrency and narcotics trafficking on internet.

17 Q Are you familiar with how cryptocurrency is accessed,  
18 bought, exchanged and stored?

19 A Yes, I am.

20 Q And how are you familiar with that?

21 A I have personally bought, exchanged, and stored  
22 cryptocurrency in an undercover capacity in my cases and also  
23 on a personal level as well.

24 Q How many times have you bought, accessed, or stored  
25 cryptocurrency through your work with the DEA?

Infante - direct - Diouf

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1 A Through my work with the DEA probably around 30, 40  
2 times.

3 Q And have you been involved in exchanging cash into  
4 cryptocurrency through your work with the DEA?

5 A Yes, I have.

6 Q And approximately how many times?

7 A Probably anywhere from 30 to 40 times as well.

8 Q And through your work with the DEA, have you opened  
9 accounts on Bitcoin exchanges?

10 A Yes. I have on multiple occasions.

11 Q Have you purchased Bitcoin on exchanges?

12 A Yes, I have.

13 Q And approximately how many times?

14 A Probably around 20 to 30 times.

15 Q Have you purchased Bitcoin through peer-to-peer  
16 transactions?

17 A Yes, I have as well.

18 Q How many times have you testified either before a Grand  
19 Jury or at trial?

20 A Over a dozen times.

21 Q Were you involved in the investigation of this case?

22 A No, I was not involved.

23 Q Did you conduct any interviews of participants in this  
24 case?

25 A No.

Infante - direct - Diouf

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1 Q Have you had any contact with the defendant?

2 A No.

3 MS. DIOUF: At this time the Government moves  
4 pursuant to Federal Rule of Evidence 702 to qualify Special  
5 Agent Lilita Infante as an expert in the areas of crypto  
6 currency and the methods by which crypto currency are  
7 typically stored, accessed, transferred and exchanged.

8 THE COURT: Do you want to voir dire, Mr. Singer?

9 MR. SINGER: No, Your Honor. No objection.

10 THE COURT: Then she will be so qualified.

11 MS. DIOUF: Thank you.

12 BY MS. DIOUF:

13 Q Special Agent Infante, what is digital currency?

14 A Digital currency is essentially like Internet money. It  
15 is transacted on a peer-to-peer basis, which is one of the  
16 main differences between digital currency and regular  
17 currency, such as the U.S. dollar. On a peer-to-peer basis  
18 means there is no intermediary, such as a bank for example, or  
19 a credit card company. It is governed by a code, as opposed  
20 to a Government printing money. It is governed by basically  
21 computing power and code. Individuals can also buy sell and  
22 exchange digital currency on centralized exchanges.

23 Q Is digital currency another term for crypto currency?

24 A Yes.

25 Q How would digital currency compare to a 20-dollar bill I

1 might have in my wallet?

2 A When you have a -- first of all, a 20-dollar bill would  
3 be considered fiat currency which is governed by for example  
4 the U.S. Government. Also in order to spend that 20-dollar  
5 bill in your wallet would you have to physically be present  
6 with whoever you are with you who you are transacting with;  
7 while with crypto currency you can transfer value or make  
8 payments across borders globally without having had to have  
9 any kind of intermediary peer-to-peer, and without having to  
10 be physically present with the individual.

11 Q What can digital currency be used for?

12 A Digital currency can be used to store value, to transfer  
13 value across borders, to make payments for goods and services,  
14 to make profits via trading, for example by buying low and  
15 selling high because digital currency fluctuates in price as  
16 well.

17 Q Can you explain what you mean by store value?

18 A So it can be used as a commodity, for example, kind of  
19 like digital gold. So because the price of the digital  
20 currency a lot of time goes up over many years, you can use it  
21 as a store value or an investment over time.

22 Q Can you give us some examples of digital currency?

23 A Like Bitcoin, Ethereum or Litecoin.

24 Q What is Bitcoin?

25 A Bitcoin is the first-ever crypto currency that was ever

1 invented. It was first invented in January of 2009 by an  
2 anonymous individual that went by the moniker of Satoshi  
3 Nakamoto. It was the first ever peer-to-peer decentralized  
4 currency based on code.

5 Q Is Bitcoin also known as BTC?

6 A Yes, it is.

7 Q Does Bitcoin exist in physical form?

8 A No, it only exists in digital form.

9 Q What does it look like?

10 A The Bitcoin logo looks like an orange B with a line going  
11 through it.

12 Q How is Bitcoin priced?

13 A Bitcoin is priced by the market. So usually a  
14 centralized exchange, such as for example, Coinbase or Binance  
15 will set the price based on supply and demand.

16 Q What is the price of one Bitcoin currently?

17 A Currently it's approximately \$19,000.

18 Q What about in 2018?

19 A In 2018 it fluctuated, averaged about \$6,000.

20 Q How do people store their Bitcoin?

21 A One can store Bitcoin in a variety of ways. One way is  
22 to use a hosted wallet or a wallet on a centralized exchange,  
23 such as Coinbase, for example, or Binance. In this case the  
24 centralized exchange will actually hold your Bitcoin for you,  
25 and will allow you to buy and sell Bitcoin for fiat currency.

Infante - direct - Diouf

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1 So you can connect your bank account and transact in that way  
2 via the centralized exchange.

3 Another way you can store is it using an unhosted  
4 wallet. An Unhosted wallet is basically, it can be a software  
5 that you can download to your computer or mobile device. An  
6 example of that would be Electrum on the computer or Mycelium,  
7 a wallet on a mobile device. And this kind of wallet would  
8 allow you to store Bitcoin and transact in Bitcoin without  
9 having to go through an intermediary such as an exchange.

10 Q You mentioned Mycelium wallet, what is Mycelium?

11 A Mycelium is a software wallet that can be used on a  
12 mobile device such as iPhone or an android device.

13 Q Special Agent Infante, I'd like to show you and the jury  
14 what is in evidence as Government Exhibit 717, which was  
15 recovered from the defendant's computer. Can you see this  
16 document?

17 A Yes.

18 Q What is this?

19 A This is a back up of the Mycelium wallet. So it has a  
20 key pair, I think there is a key pair missing here, which are  
21 two key codes. So it would be a public key and private key.  
22 Also a password that one can set to decrypt the private key  
23 for the wallet.

24 Q Let's go to the second page of the wallet. Special Agent  
25 Infante, what is this?

Infante - direct - Diouf

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1 A This is the private and public key pair for the, looks  
2 like, a Bitcoin wallet from Mycelium. What this means is  
3 because this Bitcoin is based on encryption, every wallet will  
4 have a public key, which is the key that you will give to  
5 other people to send you money, so it looks like an  
6 alphanumeric string of characters. Then it also has a private  
7 key, which you keep to yourself, which you could use to  
8 recover your balance.

9 So let's say if you lost your phone and you need to  
10 get a new phone, you have to download a new Mycelium wallet,  
11 you would need that private key in order to recover the  
12 balance of your wallet.

13 Q Thank you. You can take that exhibit down.

14 Special Agent Infante, how do people access their  
15 Bitcoin to sell or exchange it using an unhosted wallet?

16 A Using an unhosted wallet, one can do a peer-to-peer  
17 exchange. Which means that you would basically meet up with  
18 whoever it is that you're transacting with, or you could agree  
19 to use credit card payment or bank transfer. And you would  
20 trade directly with them using your unhosted wallet.

21 Q How would someone access their Bitcoin to sell or  
22 exchange using a commercial exchange?

23 A With the commercial exchange, one would have to create an  
24 account on the commercial exchange. It's very similar to  
25 creating a bank account, for example. So you would create a



1 log in with a password. You would have to provide identity  
2 verification, like would you with a bank account. Then you  
3 would link your bank account or your credit card to your  
4 centralized exchange account, that way the exchange will allow  
5 you to buy or sell digital currency through the exchange.

6 Q You mentioned that people can use Bitcoin to purchase  
7 things and conduct other financial transactions. Are all  
8 Bitcoin payments recorded somewhere?

9 A Yes. Every Bitcoin transaction is recorded on a public  
10 ledger called the blockchain. This is a public ledger that  
11 can be accessed by anybody with an Internet connection. So  
12 you can go on a website and actually see every single  
13 transaction that ever transpired on the Bitcoin blockchain.

14 Q So is it fair to say that Bitcoin blockchain exists  
15 throughout the world?

16 A Yes.

17 Q Does every Bitcoin transaction impact the global  
18 blockchain?

19 A Yes, absolutely.

20 Q Can you conduct a Bitcoin transaction without using the  
21 Internet?

22 A No.

23 Q Why not?

24 A Because in order to send funds via Bitcoin, you would  
25 have to connect to the blockchain. And in order to connect to

1 the blockchain, you would need to connect to the Internet.

2 Q How does the one access information stored in the Bitcoin  
3 blockchain?

4 A It's very simple. You can go online to various, they are  
5 called block explorers, and you can check the date or  
6 transaction number or even a wallet address, and the  
7 blockchain will give you information about those transactions.  
8 So for example if you have conducted a transaction, you can  
9 put in a transaction number, called a hash. It will give you  
10 who sent it or the actual Bitcoin address of the alphanumeric  
11 string of characters of the sender. It will give you the  
12 alphanumeric of the address of the receiver. It will give you  
13 the exact date and time and the amount that it was sent as  
14 well.

15 Q Are the identities of individuals or entities behind  
16 wallet addresses recorded on the public ledger?

17 A No. The only thing that is recorded would be the  
18 alphanumeric characters of the address wallets.

19 Q How do people acquire Bitcoin?

20 A There are multiple ways to acquire Bitcoin. One would be  
21 to use one of the centralized exchanges, such as Coinbase for  
22 example. Set up an account, verify your identity, then you're  
23 able to link your bank account or credit card and purchase  
24 Bitcoin that way.

25 Another way will be to use a peer-to-peer exchange.

1 This is basically an exchange that brings buyers and sellers  
2 of Bitcoin together. An example of that would be  
3 LocalBitcoins. So it's basically a middle-man between the  
4 buyer and the seller.

5 Or you can always do a direct transaction with  
6 somebody. So if I know somebody that wants to sell me  
7 Bitcoin, I can go and pay them cash in-person or by credit  
8 card and do it directly with that individual.

9 Q You mentioned Coinbase as an example a centralized  
10 exchange. Can you give us other examples?

11 A Sure. Binance, is a popular one. Kraken is a popular  
12 one. And on peer-to-peer, LocalBitcoins would be, or Paxful.

13 Q If I wanted to buy Bitcoin on Coinbase, what would I do?

14 A You would have to first create an account. And then go  
15 through identity verification process, like you would with a  
16 regular bank. Then you have to basically provide your  
17 driver's license, social security number, date of birth, real  
18 name, usually you also have to provide proof of address with  
19 utility bill. After that process, you would link your bank  
20 account to your Coinbase account, then you're able to buy  
21 crypto currency.

22 Q Is any special equipment required to access Coinbase?

23 A Just an Internet connection.

24 Q Do commercial exchanges charge fees?

25 A Yes, they do.

Infante - direct - Diouf

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1 Q How is the fee assessed?

2 A The fee is generally set by the exchange.

3 Q What was Coinbase's transaction fee in 2018?

4 A In 2018 it was about 1.49 percent for bank transfers and  
5 3.99 percent for credit card transactions.

6 Q Are commercial exchanges regulated?

7 A Yes, they are regulated.

8 Q Who regulates them?

9 A The Government in which they operate. Generally it has  
10 to do with where the customers are, if any of the customers  
11 are in the United States, for example, then they would have to  
12 abide by regulation set by the United States.

13 Q Can Coinbase be used anonymously?

14 A It would be very difficult, unless the individual stole  
15 someone else's identity. It would be very difficult to use it  
16 anonymously.

17 Q Why is that?

18 A Because you have to go through a rigorous identity  
19 verification process in order to transact on Coinbase.

20 Q Turning to what you referred to as peer-to-peer  
21 exchanges. What does peer-to-peer mean?

22 A It means that unlike Coinbase where you're actually  
23 buying crypto currency from the exchange, you would be buying  
24 on a peer-to-peer basis from another individual. So a  
25 peer-to-peer exchange would act as an arbitrator or a

Infante - direct - Diouf

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1 middle-man between you and another individual that would like  
2 to transact in crypto.

3 Q Can peer-to-peer exchanges happen over the Internet?

4 A Yes.

5 Q Can they happen in person?

6 A Yes, absolutely, they can also happen in person.

7 Q How would that work?

8 A Many times if you want to conduct a peer-to-peer  
9 transaction, many times you would first go to a peer-to-peer  
10 exchange, see who is actually selling or buying crypto. Then  
11 you would find a listing for whatever it is that you want to  
12 buy. And then the exchange would facilitate that transaction.

13 Many people will actually then go off of the  
14 exchange and conduct subsequent deals directly with that  
15 individual that they found on the exchange. So that can be  
16 either in person, so they can meet in-person. I'll sell them  
17 the Bitcoin, I'll send it to their wallet that they give me.  
18 Then they'll give me cash in-person, or if they have a credit  
19 card reader we can also do that, or bank transfer or wire  
20 transfer as well.

21 Q Special Agent Infante, are you familiar with the ways in  
22 which individuals who conduct off-exchange peer-to-peer  
23 transactions communicate?

24 A Yes. They usually communicate via messaging platforms or  
25 apps such as Signal, Wickr, WhatsApp.

1 Q What is Signal?

2 A Signal is an encrypted messaging app that is used to  
3 communicate. It uses end-to-end encryption, which means that  
4 the individuals that operate Signal can't see the content of  
5 the messages that are being transmitted.

6 Q And how would I use Signal?

7 A You would have to download it to your phone, and it's  
8 fairly simple.

9 Q What is Telegram?

10 A Telegram is also a similar app that allows peer-to-peer  
11 communication.

12 Q Do peer-to-peer exchanges charge transaction fees?

13 A Yes, they do.

14 Q In general, how do those fees compare as commercial  
15 exchanges like Coinbase?

16 A Usually the fees are, the fee itself set by the  
17 peer-to-peer exchange are similar. But the spread or the  
18 price of the actual asset is higher, so it actually may be  
19 more expensive for you to transact on a peer-to-peer exchange  
20 than it would be on a centralized exchange such as Coinbase.

21 Q Why would someone use a peer-to-peer exchange over a  
22 commercial exchange if it's more expensive?

23 A One reason would be avoid having to provide identifying  
24 information. So, many peer-to-peer exchanges don't require  
25 identifying information to be provided, especially if they are

Infante - direct - Diouf

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1 located in other countries that don't have those regulations.

2 So that would be, I think, one of the main reasons that  
3 somebody wouldn't want to use, for example Coinbase, and have  
4 to pay more money to use a peer-to-peer exchange.

5 Q In your experience, can you buy illegal drugs online?

6 A Yes.

7 Q How are they paid for?

8 A Usually the most common way would be in crypto currency.

9 Q If I'm an online drug dealer and I have crypto currency  
10 that comes from drug sales, how I would change it into cash?

11 A Many times you would use either brokers that you already  
12 know, so in a peer-to-peer manner. Or if you don't know any  
13 brokers that would exchange your crypto currency for cash, you  
14 could use one of those peer-to-peer exchanges that will  
15 connect you with other individuals that are buying crypto.

16 Q In your experience, have you investigated peer-to-peer  
17 exchanges?

18 A I have, yes.

19 Q And are you familiar with the types of crimes that might  
20 occur on peer-to-peer exchanges?

21 A Yes.

22 Q What are those?

23 A Generally money laundering, money laundering of crypto  
24 currencies that spring from different types of crimes, such as  
25 the sales of drugs online, for example.

Infante - direct - Diouf

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1 Q You mentioned LocalBitcoins.com earlier what is that?

2 A LocalBitcoins.com is an example of a peer-to-peer crypto  
3 currency exchange.

4 Q Is LocalBitcoins.com still operating?

5 A Yes, it is.

6 Q Was it operating in 2018?

7 A Yes.

8 Q Have you worked on any investigations involving  
9 LocalBitcoins.com?

10 A Yes, on multiple occasions.

11 Q What sorts of investigations were these?

12 MR. SINGER: Objection, your Honor.

13 THE COURT: Overruled.

14 Q You can answer.

15 A Usually they were money laundering and drug trafficking  
16 investigations involving crypto currencies.

17 Q Where is LocalBitcoins.com based?

18 A In Finland.

19 Q And in 2018 if someone wanted to use LocalBitcoins.com,  
20 what would they do?

21 A They would have to create an account with a username and  
22 password, usually they wouldn't have to provide a name or any  
23 kind of identifying information, and they could trade crypto  
24 currency without having to provide identity basically.

25 MS. DIOUF: Just a moment, your Honor.



Infante - cross - Singer

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1           Nothing further. Thank you.

2           THE COURT: How are we doing? Could we start  
3 cross-examination without a break? Okay.

4           Let's go, Mr. Singer.

5 CROSS-EXAMINATION

6 BY MR. SINGER:

7 Q Good afternoon, Special Agent Infante.

8 A Good afternoon.

9 Q We have not met before, correct?

10 A That's correct.

11 Q It's a pleasure to meet you.

12 A Likewise.

13 Q You described digital currency as a means of exchange; is  
14 that right?

15 A That's correct.

16 Q I just find it easier to refer to it as Bitcoin. Is it  
17 okay if I just speak of it as Bitcoin, understanding that  
18 we're speaking generally about digital currency, okay?

19 A Sure.

20 Q So digital currency is a form of property, it's not money  
21 like it's a 20-dollar bill, right?

22 A It could be considered money.

23 Q It's used like money.

24 A It is used like money, yes.

25 Q Okay. And but essentially it's a form of property that

Infante - cross - Singer

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1 exists in a digital form on the blockchain, correct?

2 A It could be considered as property, yes.

3 Q The U.S. Treasury Department doesn't consider it currency  
4 like U.S. currency for tax purposes, does it?

5 A I'm not sure. I'm not a tax expert, so I'm not sure for  
6 taxes.

7 Q You indicated that any digital currency the value is  
8 determined by the market?

9 A Yes.

10 Q And it's determined, therefore, by just what somebody  
11 will pay for it, correct?

12 A Yes.

13 Q And so the fluctuations in the value of a Bitcoin can  
14 change significantly over time, right?

15 A That's correct.

16 Q I think you indicated that today one Bitcoin is worth  
17 approximately \$19,000?

18 A Yes.

19 Q And you said four years ago in 2018, that a Bitcoin was  
20 worth an average of about \$6,000?

21 A That's correct.

22 Q Maybe a little below, maybe a little above, but in that  
23 general range, correct?

24 A Correct.

25 Q The value of Bitcoin, in your experience, has been known

Infante - cross - Singer

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1 to vary quickly and wildly?

2 A Yes.

3 Q That would be fair to say, correct?

4 A Yes.

5 Q You talked about different ways that a person may acquire  
6 a Bitcoin -- let me step back for a second.

7 When a person -- Bitcoin can be owned in fractional  
8 units as well, correct?

9 A Yes.

10 Q So you don't own one or two or three Bitcoins, you can  
11 own 1.276 Bitcoin, correct?

12 A Yes, correct.

13 Q So it's actually broken down by, I'm not sure by how  
14 many, but past a number of decimal points?

15 A Correct.

16 Q The market value is simply the value of one Bitcoin, then  
17 you have to calculate the value to get to the fractional part,  
18 correct?

19 A Yes.

20 Q You said that a Bitcoin can be purchased in several ways.  
21 You indicated a person can go to an exchange and buy Bitcoin,  
22 correct?

23 A Yes.

24 Q That was the Coinbase?

25 A Right.

Infante - cross - Singer

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1 Q And again, Coinbase operates like a bank. It's a company  
2 that operates like a bank where you have an account with them?

3 A Yes.

4 Q It's more of an electronic bank that operates only with  
5 digital currencies?

6 A Yes.

7 Q There isn't a Coinbase branch on my corner where I can  
8 get a passbook and put some savings in, right?

9 A Right.

10 Q Showing my age with a passbook reference.

11 You said a person can also obtain Bitcoin through a  
12 peer-to-peer transaction, correct?

13 A Right.

14 Q Or through a direct transaction with an individual?

15 A Right.

16 Q Peer-to-peer, if it's LocalBitcoins.com or some other  
17 peer-to-peer exchange, essentially acts as a way of  
18 introducing people to each other?

19 A Right.

20 Q Like Craigslist. If you have a sofa you want to sell,  
21 you can advertise it on Craigslist and someone will find it  
22 and say, yes, I'm interested in buying it and it puts people  
23 together, correct?

24 A Very similar, but LocalBitcoins also has an escrow system  
25 as well.

Infante - cross - Singer

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1 Q It's more sophisticated for digital currencies, but it's  
2 the manner in which people are put together, right?

3 A Right.

4 Q There is another way that individuals can obtain Bitcoin  
5 and that's referred to as mining; is that right?

6 A Yes.

7 Q You're familiar with mining Bitcoin?

8 A Yes.

9 Q I'll try to put my question to you, then you can correct  
10 me. Okay? The mining, what is referred to as mining of  
11 Bitcoin, is essentially a very complicated series of  
12 mathematical equations that are done by computer; is that  
13 fair?

14 A Yes.

15 Q Okay. The computer equipment can be expensive to obtain,  
16 correct?

17 A Correct.

18 Q And they are known to take or use enormous amounts of  
19 electricity, correct?

20 A Yes.

21 Q Because of the number of transactions, the amount of data  
22 that is going through the computer, and the amount of time  
23 that it takes, all of those things are using large amounts of  
24 electricity, correct?

25 A Yes.

Infante - cross - Singer

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1 Q A person who is successful -- is mining considered a  
2 difficult way of obtaining Bitcoin?

3 A Very difficult. And for a regular person, probably  
4 almost impossible nowadays.

5 Q Nowadays?

6 A Right.

7 Q You said that Bitcoin was first created in 2009?

8 A Yes.

9 Q And so in the early years of the existence of Bitcoin,  
10 would it be fair to say that mining was -- there was more  
11 activity in mining because of a greater opportunity to  
12 actually obtain Bitcoin that way?

13 A I wouldn't say more activity. But there may have been  
14 more opportunity for an individual with a regular computer to  
15 be able to mine, yes.

16 Q Would you say that in 2018 it would have been easier to  
17 mine than it is today?

18 A Not really, no. 2018 would probably be similar  
19 difficulty.

20 Q Are you familiar with a company called Bitmain?

21 A Yes.

22 Q Bitmain is a Chinese company?

23 A Yes.

24 Q A company that exists in China?

25 A I'm not sure if they still do. I think they may have

1 left China recently.

2 Q Recently. Back in 2018, 2019 Bitmain was a Chinese  
3 company, yes?

4 A Yes.

5 Q Bitmain manufactured machines that individuals could buy  
6 that are called mining machines; is that right?

7 A Right.

8 Q An individual who wanted to buy a mining machine, do you  
9 recall approximately how much that costs back then, 2018?

10 A No, I can't recall. There is also different tiers of  
11 them, depending on the structure of the machine.

12 Q So different types of machines depends on their size,  
13 sophistication, whatever it might be with varying costs?

14 A Yes.

15 Q But any individual, as far as you understand, could go to  
16 Bitmain's website and purchase one or multiple machines if  
17 they were available; is that correct?

18 A I'm not sure if Bitmain had a way of purchasing through  
19 their website; but I do know that Bitmain machines could be  
20 purchased, yes.

21 Q If I were able to purchase a Bitmain mining machine here  
22 in New York, I would purchase it from Bitmain and they would  
23 ship it to me, correct?

24 A I really can't -- I really don't know if Bitmain would  
25 ship it or it would have to be a third-party to ship it. But

Infante - cross - Singer

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1 you can obtain a mining machine, yes.

2 Q Obtaining a mining machine from Bitmain, or any other  
3 company that would make them, is and was legal in the United  
4 States, correct?

5 A Yes.

6 Q Once I obtain a mining machine, I could resell it to  
7 somebody else, correct?

8 A Sure.

9 Q If I were to purchase a machine from Bitmain, have it  
10 sent either directly or through a third-party to me here in  
11 New York, I could then advertise that on any kind of website  
12 if someone wanted to purchase it, I could sell it to them?

13 A Sure.

14 Q That would be legal, correct?

15 A Yes.

16 Q Not illegal in the United States and it wasn't in 2018 to  
17 buy, or sell, or resell a mining machine; is that correct?

18 A That's correct.

19 Q You've indicated some reasons why a person may seek to  
20 use a peer-to-peer exchange or a direct meeting, personal  
21 meeting, with a person to exchange Bitcoin, any digital  
22 currency but here Bitcoin, for cash; is that correct?

23 A Yes.

24 Q One of them, I think you indicated was perhaps the most  
25 common reason, was essentially to have some privacy in the



Infante - cross - Singer

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1 transaction; is that fair to say?

2 A Sure, yes.

3 Q A peer-to-peer exchange is legal in the United States?

4 A It's depends. As long as -- it depends on the quantity  
5 of the exchanges and how the exchanges are being operated. So  
6 in some instances you would need a license to operate an  
7 exchange; without a license it would be illegal.

8 Q The peer-to-peer exchange would need a license or the  
9 individuals using the peer-to-peer exchange?

10 A Both. In some instances both would need a license.

11 Q You referenced specifically LocalBitcoins.com?

12 A Yes.

13 Q You said that is a company that is based in Finland?

14 A Yes.

15 Q And that it's on the Internet so it's accessible here in  
16 the United States, correct?

17 A Yes.

18 Q LocalBitcoins was a place where individuals could go to  
19 advertise either I want to buy or sell Bitcoin or any other  
20 digital exchange, right?

21 A Yes.

22 Q Digital currency, I'm sorry. In 2018 it existed and was  
23 legal?

24 A Yes. It was legal, yes. As long as licenses were  
25 obtained where they are needed.

Infante - cross - Singer

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1 Q LocalBitcoins.com is still in business, isn't it?

2 A It is, yes.

3 Q It's still accessible on the Internet?

4 A It is.

5 Q Is the U.S. Government, to your knowledge, presently  
6 attempting to shut it down as being an illegal operation?

7 A I'm not sure if I'm allowed to talk about existing cases.

8 THE COURT: Sustained. Move on, Mr. Singer.

9 Q But it still exists?

10 A It still exists, yes.

11 Q If I want go onto LocalBitcoins and find somebody who is  
12 selling Bitcoin and I want to buy some Bitcoin, I can arrange  
13 through LocalBitcoins to meet with them and do the exchange?

14 MS. DIOUF: Objection, your Honor.

15 THE COURT: Overruled.

16 BY MR. SINGER:

17 Q I can give them a credit card or cash or wire them money  
18 and they can transmit the Bitcoin to me, correct?

19 A So as far as I know, nowadays they don't do in-person  
20 meetings any more. But you can use bank transfers, credit  
21 cards, and PayPal, things like that.

22 Q If you find a person -- I think you indicated these  
23 personal exchange, not peer-to-peer but direct transaction  
24 within an individual, if I find an individual or I know an  
25 individual that has Bitcoin and I want to purchase it for

Infante - cross - Singer

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1 cash, I can meet with that person and do the exchange,  
2 correct?

3 A Yes.

4 Q And that's legal, is it not?

5 A It depends.

6 Q It's standing alone. Obviously, if I'm doing it for some  
7 illegal purpose it might not be. But the exchange itself, of  
8 cash for Bitcoin, is legal, is it not?

9 A It depends.

10 Q It depends.

11 A Yes.

12 Q Okay. Well --

13 A If you're doing it that one time, then it would be legal,  
14 yes. But if you're doing it continuously without a license,  
15 it wouldn't be legal.

16 Q That is your understanding of the law, correct?

17 A If you're acting as a money transmitter, which is  
18 continuously doing exchanges back and forth, then you're  
19 acting as a money transmitter and you would have to get a  
20 license. If you're doing without a license --

21 Q If you're accepting money for a fee and transmitting it,  
22 then you might be a money transmitter, correct?

23 A Sure.

24 Q If I do an exchange, an individual exchange like that, it  
25 may take 15, 20 minutes, half hour, an hour for the blockchain

1 to complete its work. But if I meet with someone and pay cash  
2 for Bitcoin, that transaction is complete in that meeting; is  
3 that correct?

4 A It depends if you're using LocalBitcoins as an escrow  
5 service.

6 Q Let's keep LocalBitcoins out of it.

7 If I'm doing an individual exchange. I have  
8 Mycelium wallet on my phone, and I meet with someone. I meet  
9 with you and you have a Mycelium wallet with Bitcoin on your  
10 phone. I give you X dollars in exchange for a certain amount  
11 of Bitcoin. I give you the money, you've got the cash, you  
12 transfer the Bitcoin to my wallet and the exchange is done; is  
13 that right?

14 A Yes.

15 Q Nothing else that needs to be done?

16 A Right.

17 Q It can be completed within that meeting that we have?

18 A Yes.

19 Q You indicated Coinbase, again, as an example of one of  
20 the commercial exchanges that exists?

21 A Right.

22 Q And you said that it was quick and easy, I think you  
23 referenced; is that right? I hear you correctly that using  
24 Coinbase could be quick and easy?

25 A It would be cheaper than using a peer-to-peer exchange.

Infante - cross - Singer

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1 Q Cheaper?

2 A Yes.

3 Q Quicker?

4 A Maybe, sometimes, it depends.

5 Q So if I have Bitcoin and I want to sell it and get cash  
6 for it so I can make use of that cash quickly, I would set up  
7 an account with -- I wanted to use the commercial exchange --  
8 I would set up an account with Coinbase, correct?

9 A Sure.

10 Q And whatever time period that might be, if it's a matter  
11 of hours or days for the various verifications to take place,  
12 then I have a Coinbase account, right?

13 A Yes.

14 Q Then if I say, for instance, that what I'm linking to my  
15 Bitcoin account with Coinbase is my checking account?

16 A Yes.

17 Q Regular commercial bank.

18 A Yes.

19 Q Citibank, Chase, whatever it is. I go on Coinbase and I  
20 indicate I want to exchange 1.5 Bitcoin for whatever the  
21 market value is that day. Okay. \$30,000?

22 A Sure.

23 Q How soon is that \$30,000 going to be in my bank account?

24 A matter of days, isn't it?

25 A It could be, yes.

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1 Q It's the electronic transfer system that commercial banks  
2 use to transmit money; is that correct?

3 A Right. And they could also use wire transfers, which  
4 could be faster, and credit card transaction would be  
5 immediate as well.

6 (Continued on next page.)

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Infante - cross - Singer

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1 BY MR. SINGER: (Continuing.)

2 Q I'm talking about cash because if it's on a credit card  
3 and I need the cash for something, I'm still slowed up because  
4 I don't have the cash available to me. If I'm going to do the  
5 exchange and put it in my bank account so I can withdraw cash,  
6 I can go to a teller and withdraw the cash from the bank  
7 account, that may take several days if I use Coinbase; is that  
8 fair to say?

9 A It's possible, yes.

10 Q And, so, a peer-to-peer or a direct meeting with an  
11 individual may be quicker than that?

12 A It may be, yes.

13 Q Okay. And might I pay a premium to do it quicker, pay a  
14 little more?

15 A Maybe.

16 Q I might?

17 A Maybe, yes.

18 Q Okay. Now, you've -- as part of your training and  
19 experience and I guess work, you attend various conventions  
20 related to cryptocurrencies?

21 A Yes.

22 Q In the U.S. or around the world?

23 A Yes.

24 Q Let's keep it in the United States. Now, have you been  
25 to any conventions in, say, the last year?

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1 A Yes, I have.

2 Q Now, sometimes as a speaker, sometimes simply to observe  
3 and go to different talks about things?

4 A Yes.

5 Q And perhaps as part of your work and I'm not asking you  
6 any questions about that, okay?

7 Have you seen at any of these conventions what I  
8 guess could be called an ATM for Bitcoin?

9 A I can't recall.

10 Q Are you familiar with ATMs, special machines that appear  
11 and operate like a regular ATM, but that's used for Bitcoin?

12 A I am familiar with an ATM, but I can't recall if I ever  
13 saw one at conference or a convention.

14 Q Have you seen one out on the streets in Miami or New  
15 York?

16 A I have, yes.

17 Q And they look like a regular ATM, correct, approximately  
18 the same size?

19 A You're.

20 Q And have you ever used one of them, just to see what they  
21 are and how they operate?

22 A Yes, I have.

23 Q And the way you use one of those Bitcoin ATMs and it may  
24 be for other digital currencies, but I'm using Bitcoin  
25 generically, okay?



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1 A Sure.

2 Q The way you would use those ATMs is I would open whatever  
3 I have on my phone and put it up to a screen and it would read  
4 my code. Is that right?

5 A Depending on what kind of transaction you would like to  
6 effectuate, if it's a buy or a sell.

7 Q If I want to sell Bitcoin at one of those machines and  
8 get cash for it, how would I do that?

9 A The machine will usually give you a Bitcoin wallet to  
10 send the Bitcoin to and then you would use your -- if it's  
11 Mycelium, if it's Mycelium, you would use Mycelium Wallet to  
12 send the currency to -- the cryptocurrency to the machine and  
13 then the machine would give you cash.

14 Q And are those becoming more prevalent in your experience,  
15 the existence of Bitcoin ATMs?

16 A They're becoming more prevalent in terms of quantity.  
17 There's more of them.

18 Q And are they legal?

19 A If they are operating with a license, then, yes, they're  
20 legal.

21 Q That's a suit. If you're doing things properly with  
22 whatever licenses, whatever are needed, the ability to use it  
23 is legal, it's not illegal in all circumstances; right?

24 A Sure.

25 Q Okay. And --

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1 A As long as you're not exchanging, as long as your  
2 cryptocurrency is not from illicit proceeds, yes it's legal.

3 Q Do the ATMs charge fees?

4 A Yes.

5 Q And are you familiar with the approximate fees that are  
6 charged by these machines?

7 A It can be anywhere from two to 10 percent.

8 Q To 10 percent, even more in some instances?

9 A Could be, yes.

10 Q And these are available for people to use because it's --  
11 well, withdrawn.

12 So, individuals may be using these machines and  
13 paying as much as 10 percent to exchange their Bitcoin for  
14 cash.

15 A Yes, sometimes, yes.

16 MR. SINGER: Judge, can I have one minute, please?

17 THE COURT: Yes, you may.

18 (Pause in proceedings.)

19 MR. SINGER: I'm sorry, just one or a few brief  
20 questions to follow up.

21 BY MR. SINGER:

22 Q When I go to a regular commercial bank Citibank, Chase,  
23 whatever, the money that I have in that bank is insured by the  
24 FDIC?

25 A Yes.

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1 Q So the FDIC is a government agency that insures up to a  
2 certain limit the money that I have in the bank so that in  
3 case the bank goes under its protection for the deposit; is  
4 that right?

5 A Yes.

6 Q To your knowledge are the commercial exchanges like  
7 Coinbase and other similar commercial exchanges, are they  
8 insured by the federal government?

9 A To my knowledge, no.

10 MR. SINGER: Thank you, very much. I have nothing  
11 else.

12 THE COURT: Thank you, Mr. Singer.

13 Any redirect?

14 MS. DIOUF: No redirect, Your Honor.

15 (Witness excused.)

16 THE COURT: Government, call your next witness.

17 MR. NAVARRO: Your Honor, I have another stip to  
18 read. Can I confer with Mr. Singer?

19 THE COURT: Yes.

20 (Counsel confer.)

21 MR. NAVARRO: May I have the ELMO again, Your Honor?

22 THE COURT: You may.

23 MR. NAVARRO: If I can have the lights, I think it  
24 might help a little bit.

25 Ladies and gentlemen I have another stipulation to

1 read to you. It is hereby stipulated and agreed by and  
2 between the United States of America by Assistant United  
3 States attorneys Gillian Kassner, Marietou Diouf, and the  
4 defendant Mustafa Goklu, by his attorneys Murray Singer,  
5 Esquire and Emilee Sahli, Esquire that -- I'm going to read  
6 the first one and then summarize it for you because it gets  
7 repetitive.

8 The document marked Jury Aid 801 is a fair and  
9 accurate transcript of an audio recording of the defendant's  
10 interaction with a law enforcement agent captured on August  
11 28, 2018.

12 Similar language in paragraphs two, three and four,  
13 for Jury Aids 802, 803, and 804 and they have dates that will  
14 be on the transcripts that are going to be handed out to you  
15 shortly. The same thing on the next page. You see there  
16 paragraphs five, six and seven. Documents marked Jury Aids  
17 806, 807 and 809 are fair and accurate transcripts of the  
18 audio recordings of the defendant's interactions with the law  
19 enforcement agent captured on the date in the paragraph which  
20 is on transcripts that you're going to receive.

21 Finally, the documents marked as Jury Aids 801, 802,  
22 803, 804, 806 and 809 can be used to aid the jury during this  
23 the trial dated Brooklyn, New York September 28, 2022 and it's  
24 been signed by both parties.

25 THE COURT: Thank you very much Mr. Navarro.

Infante - cross - Singer

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1 Ladies and gentlemen, you are now receiving binders  
2 of those transcripts that were just spoken about in the  
3 stipulation. Just keep them closed until you are told to  
4 refer to a particular transcript by the assistant U.S.  
5 Attorney.

6 MS. KASSNER: Thank you, Your Honor.

7 The Government calls Mr. Patrick O'Kain to the  
8 stand.

9 THE COURT: Okay. Let's have Agent O'Kain up here.  
10 (Witness takes the stand.)

11 THE COURT: Remain standing for one moment so you  
12 can be sworn in.

13 THE COURTROOM DEPUTY: Raise your right hand.  
14 (Witness sworn/affirmed.)

15 THE COURTROOM DEPUTY: Have a seat. Please state  
16 and spell your name for the record.

17 THE WITNESS: Patrick O'Kain, P-A-T-R-I-C-K  
18 O-'-K-A-I-N.

19 (Continued on the next page.)  
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O'Kain - direct - Kassnerr

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1 **PATRICK O'KAIN,**

2 having been first duly sworn, was examined and

3 testified as follows:

4 DIRECT EXAMINATION

5 BY MS. KASSNER:

6 Q Good afternoon, Mr. O'Kain.

7 A Good afternoon.

8 Q Mr. O'Kain, if you could remove your mask, please. Thank  
9 you.

10 From approximately September 2012 through January  
11 2021, what were you doing for a living?

12 A I worked as a special agent for the Drug Enforcement  
13 Administration.

14 Q Is the Drug Enforcement Administration also known as the  
15 DEA?

16 A That's correct.

17 Q What does a special agent at the DEA do?

18 A We're responsible for investigating drug crimes and money  
19 laundering crimes surrounding drug dealing.

20 Q Can you tell us a little bit about your educational and  
21 professional background from before you joined the DEA?

22 A I got my undergraduate degree at a school called Mercy  
23 Hurst University. I majored in intelligence studies. After I  
24 graduate from Mercy Hurst I went to work in the  
25 intelligence field. So I went to work for a few different

O'Kain - direct - Kassnerr

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1 companies that were responsible for working with the  
2 Government in the United States intelligence community.

3 Q While you were working at the DEA were you assigned to  
4 work at any particular offices?

5 A Yes, I started at the DEA in California in San Francisco.  
6 I worked there for several years and then I transferred to the  
7 New York division. And in the New York division I worked in  
8 various enforcement groups and that's the -- an enforcement  
9 group is what they -- the DEA calls a team of agents that  
10 investigates crimes. And I also worked with New York's cyber  
11 division as well.

12 Q And were you working with New York's cyber division or  
13 working on cyber cases in July 2018?

14 A Yes, I was working on cyber-related cases. I cannot  
15 recall exactly when we started up the cyber unit, but I was  
16 working cyber investigations and at some point we created the  
17 officially designated cyber unit.

18 Q And while you were in the cyber unit did you ever work on  
19 investigations involving cryptocurrency?

20 A I did, yes.

21 Q What is cryptocurrency?

22 A Cryptocurrency, also known as digital currency, is  
23 essentially an all-online currency. There's no physical form  
24 and it's -- the currency is essentially computer code that is  
25 transferred to -- from one individual to another or one entity

O'Kain - direct - Kassnerr

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1 to another on what is called the block chain. And the block  
2 chain is essentially an online accounting ledger that keeps  
3 track of all of the transactions with a specific  
4 cryptocurrency.

5 Q And did you work on any investigations involving Bitcoin?

6 A Yes.

7 Q What is Bitcoin?

8 A Bitcoin is a type of cryptocurrency or digital currency.

9 Q Is the use of Bitcoin illegal in the United States?

10 A No.

11 Q Is it always legal or always illegal?

12 A Well, I think it depends but it's generally legal.

13 Q And while at the DEA did you work -- what was the nature  
14 of your investigations that involved Bitcoin?

15 MR. SINGER: Objection, Your Honor. Relevance.

16 THE COURT: Overruled?

17 PROSPECTIVE JUROR: We would investigate Bitcoin as  
18 it pertained to suspected money laundering involving drug  
19 crimes.

20 Q While at the DEA did you ever work undercover?

21 A I did.

22 Q In general terms, what does it mean to work undercover?

23 A When an agent is working undercover they essentially  
24 assume a different persona that is not a special agent for the  
25 Government and the purpose of that is to investigate suspected



O'Kain - direct - Kassnerr

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1 crimes and, you know, there's a lot of different types of  
2 undercover operations but generally speaking you play a role  
3 and you investigate a crime as an agent, but you're not  
4 letting the target of the investigation or the suspect know  
5 that you're with the Government.

6 Q And, generally speaking, when you're working undercover,  
7 do you wear any particular clothing or do anything differently  
8 than you otherwise normally would?

9 A I think you generally try to dress and act and speak the  
10 part of the role that you're trying to play. So that could  
11 mean anything. If you just try to play the part that you  
12 think would best fit the role that you're trying to play, so  
13 you dress in accordance to what you think.

14 Q Breaking it down step-by-step can you please explain to  
15 the jury from beginning to end what happens during a typical  
16 undercover operation?

17 MR. SINGER: Objection, Your Honor. If it's not  
18 related to his dealings with Mr. Goklu. I don't know how it's  
19 relevant.

20 THE COURT: Overruled.

21 A A typical undercover operation, you know, you start out  
22 with the target of the investigation, the individual or entity  
23 that you suspect is committing the crime. Then you start  
24 communicating with that suspect in a certain capacity to set  
25 up a meeting and then you also have a team of other agents or

O'Kain - direct - Kassnerr

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1 law enforcement officers that you coordinate with internally  
2 and -- so, let's say we're setting up an undercover meeting  
3 with a suspect. You would set up that meeting with the  
4 suspect, you know, relatively when and where that's going to  
5 take place, and then you coordinate with a team of Special  
6 Agents and other law enforcement officers.

7           You have a team of surveillance agents that will be  
8 available on the field to observe what's happening during that  
9 undercover meeting and also to protect the undercover agent  
10 that will be going out there.

11           Prior to the undercover meeting, the undercover  
12 agent typically puts on various listening devices and then  
13 goes out to meet the suspect and then you have your team out  
14 there to make sure that everything is -- the conversation --  
15 the undercover is protected.

16 Q     Are you familiar with an investigation into an individual  
17 named Mustafa Goklu?

18 A     Yes, I am.

19 Q     Was what your role in that investigation?

20 A     I was the undercover agent.

21 Q     Do you see Mustafa Goklu in the courtroom today?

22           THE COURT: You can stand up.

23           MS. KASSNER: If it's possible for everyone at  
24 defendant's able to remove masks.

25           THE COURT: That is fine. If you will all unmask so

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1 we don't have any issue about --

2 BY MS. KASSNER:

3 Q You mentioned that you could see Mustafa Goklu. Can you  
4 identify an item of clothing?

5 A He's agent two from the left said with the red tie. From  
6 my orientation.

7 THE COURT: All right. And a red tie. There are  
8 two individuals with red ties.

9 THE WITNESS: Brighter red tie and a full head of  
10 gray hair.

11 MR. SINGER: Judge, we stipulate he's indicating  
12 Mr. Goklu.

13 THE COURT: He is the third individual from the  
14 left?

15 THE WITNESS: Yeah, third.

16 THE COURT: So the record is clear, the witness did  
17 identify the defendant, Mr. Goklu.

18 Proceed.

19 BY MS. KASSNER:

20 Q To your knowledge, did Mustafa Goklu go by any other  
21 names?

22 A Michael.

23 Q Generally speaking, how did you first become familiar  
24 with the defendant?

25 A Become familiar? The first time we met was during an

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1 undercover operation, but I began communicating with him prior  
2 to physically meeting him.

3 (Continued on the following page.)  
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1 BY MS. KASSNER: (Continuing.)

2 Q And why did you begin communicating with him?

3 A We, I say we, so me and the co-case agent that was  
4 working on this investigation, we identified a profile for an  
5 individual that went by the street name Mustangy on a website  
6 called localbitcoins.com.

7 Q What is -- continue.

8 A I think the question is, what is localbitcoins.com?  
9 Localbitcoins.com was a website that matched up individuals  
10 that wanted to buy cryptocurrency with individuals who wanted  
11 to sell cryptocurrency. So I guess it was sort of like an  
12 eBay style website but for cryptocurrency.

13 Q In your work as a DEA special agent, did you learn how  
14 people can purchase Bitcoin?

15 A Yes.

16 Q Are you familiar with the term commercial exchange?

17 A Yes.

18 Q Can you give the jury an example of a commercial  
19 exchange?

20 A I think the most relevant, sort of, company would be  
21 Coinbase. So it's a licensed commercial financial institution  
22 that exchanges various cryptocurrencies with one another or  
23 cryptocurrencies with cash.

24 Q And are commercial exchanges typically available on a  
25 cellphone or laptop?

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1 A Yes.

2 Q And generally speaking, to use a commercial exchange, are  
3 you required to provide any forms of identification?

4 A To use a commercial exchange?

5 Q Yes.

6 A Yes. So you have to provide typically a social security  
7 number, address, usually a driver's license.

8 Q Are you familiar with any other ways in addition to  
9 commercial exchanges to purchase Bitcoin?

10 A Yeah. You can purchase through websites like  
11 localbitcoins.com or directly with other individuals on a  
12 peer-to-peer basis.

13 Q And this peer-to-peer basis, does it typically involve a  
14 physical exchange?

15 A It can, yes.

16 So one thing localbitcoins.com facilitated was the  
17 option for people that wanted to buy and sell Bitcoin to meet  
18 up with the counter-party in person for a physical Bitcoin for  
19 cash transactions.

20 Q Now, you mentioned earlier that you first -- you're first  
21 interaction with the defendant began after seeing a page on  
22 localbitcoins.com.

23 Were why were you and other members of the DEA  
24 looking into users of localbitcoins.com?

25 A I remember -- I recall that we had information from other

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1 non-related DEA investigations that website was used by  
2 individuals to facilitate money laundering. So that was one  
3 reason we turned to localbitcoins.com. And also, what we  
4 noticed when we were looking through some of the  
5 advertisements, they would -- the fees that individuals would  
6 charge to make that transaction were significantly higher than  
7 what you would have to do on commercial exchange. And, you  
8 know, it just didn't make sense why somebody would use --

9 MR. SINGER: Objection, Your Honor, to this  
10 speculative question.

11 THE COURT: Overruled.

12 You're answer is complete. Ask you're next  
13 question.

14 MS. KASSNER: If we could pull up just for the  
15 witness what has been previously marked for identification as  
16 Government's Exhibit 401.

17 A I can see it.

18 THE COURT: Yes. The agent can see it.

19 MS. KASSNER: Okay.

20 Q Do you recognize Government's Exhibit 401?

21 A Yes. This is a screen capture of the defendant's  
22 localbitcoins.com profile.

23 Q And how do you recognize it?

24 A I've seen it before. I was there when it was captured.

25 MS. KASSNER: At this time, the Government would

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1 move to admit Exhibit 401 into evidence and publish it to the  
2 jury.

3 (Government Exhibit 401, was received in evidence.)

4 THE COURT: Any objection?

5 MR. SINGER: No.

6 THE COURT: Exhibit 401 is admitted and you may  
7 publish.

8 (Exhibit published.)

9 Q When you were going through localbitcoins.com, what, if  
10 anything, about the defendant's profile stood out to you?

11 A Well, a couple of things. So we were -- I was located in  
12 the New York area. So we were looking at people located in  
13 New York, so that was one thing that stood out. The other  
14 thing that stood out at the time, from what I recall, was the  
15 amounts that were listed that the defendant could exchange  
16 were relatively high. From what I recall, they were  
17 significantly higher than some of the other advertisements  
18 that we saw from the New York area.

19 Q At the top of Government's Exhibit 401 it says, Mustangy.

20 What is Mustangy?

21 A I believe that is the screen name that the defendant  
22 chose to use for this website.

23 Q When does the profile say that the account was created?

24 A The account was created one year prior to when this  
25 screen capture was created.



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1 Q When was the first purchased?

2 A Seven months and one week prior to the screen capture.

3 Q And according to Government's Exhibit 401, when was the  
4 last time the user Mustangy was last seen on the website?

5 A 23 hours and 21 minutes prior to the screen capture.

6 Q Is there anywhere on the localbitcoins.com page that  
7 lists Mustangy name or provides any identifying information  
8 for him?

9 A No.

10 Q And is there anywhere on the localbitcoins.com page that  
11 indicates whether or not Mustangy was licensed to transmit  
12 money in the State of New York or the U.S. government?

13 A No.

14 Q At the bottom of the second page of Government's  
15 Exhibit 401, there's a section that says, buy Bitcoins with  
16 cash from Mustangy.

17 What do you understand the list that followed to  
18 include?

19 A I can't see the list that follows.

20 MS. KASSNER: If we could turn to Page 3.

21 Q Do you see the list at the very top of the page?

22 A Yes. So I understood each of those rows to be separate  
23 listings for the defendant's ability to exchange  
24 cryptocurrency for cash. So at the very top you can see  
25 Midtown New York, so that was the location that he was willing

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1 to make the exchange. I believe the 727,445.

2 THE COURT: Hold on. A little too fast.

3 727,445. Go ahead.

4 A Was the price of the Bitcoin at the time. And then 100  
5 to 20,000 USD was the range on the amounts that he was able to  
6 transact.

7 MS. KASSNER: And if we can focus on the list right  
8 under that where it says, sell Bitcoins for cash to Mustangy.  
9 And if we can blow that section up, please.

10 Q So there's a similar list of rows here. What do you  
11 understand each row so correspond to?

12 A Different like similar to the above. Different listings  
13 for the services that Mustangy could provide. So the location  
14 that he could operate in for that specific listing and then  
15 the price of Bitcoin. And then on the far right, it's the  
16 limit of the amounts that he was able to transact at that  
17 specific time.

18 THE COURT: Can you pull the microphone closer to  
19 you.

20 THE WITNESS: Sorry.

21 THE COURT: Keep you're voice up.

22 Q So there's an entry here for Manhattan, New York. How  
23 much according to this page was the defendant -- what was his  
24 limit to transact to sell Bitcoin for cash in Manhattan?

25 A \$9,999.

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1 Q And there are other locations that have higher amounts.

2 Which locations had the highest amount he was  
3 willing to exchange?

4 A Could we zoom out, please.

5 So Jersey City, New Jersey. The listed amount is  
6 \$99,999. And then in Sheepshead Bay, Brooklyn \$99,999.

7 Q And at the very bottom of the page, there's a section  
8 that says feedback.

9 Can you read what it says under feedback?

10 A Feedback left by users with noticeable trade volume on  
11 May 24, 2018 at 12:52 a.m. It looks like a review was  
12 submitted saying fast paying transaction. Pleasure to do  
13 business with.

14 MS. KASSNER: And Your Honor, it is 5:29. This  
15 might be a good place to pause.

16 THE COURT: Perfect. So we'll do that.

17 Ladies and Gentlemen, we are going to stop for  
18 today. And I'll ask the witnesses to remain seated for a  
19 moment.

20 Just a quick reminder, when you go home, don't talk  
21 to anybody about the case. Your experience here today other  
22 than saying that you were picked for a jury. You can say  
23 that. And don't do any research. Don't post anything at all  
24 about what's happening. Keep an open mind. And remember,  
25 don't talk to each other about the case.

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1           So have a good night, everybody. We'll see you here  
2 tomorrow morning ready to go by 9:30. We'll break at 1:00  
3 p.m. tomorrow.

4           Yes.

5           MS. KASSNER: Your Honor, the binders.

6           THE COURT: Please leave your binders on the chairs.  
7 Remember to leave you're notes in the jury room.

8           Thank you, everyone. Have a great night.

9           All rise.

10          You can step down. Thank you.

11          Have a seat, everyone.

12          So just to confirm so everyone remembers, we are  
13 doing a half day tomorrow until 1:00 p.m. And then we are off  
14 on Wednesday.

15          How much longer do you anticipate with this witness?  
16 I'm guessing that he'll consume all of tomorrow's half day.

17          MS. KASSNER: Your Honor, it's possible that we  
18 could get to our next witness. It really will depend on the  
19 length of cross. I think we probably have at least two hours  
20 just to get through all the recordings. So it could be a  
21 little bit more than that depending on friction with putting  
22 up exhibits, but it'll be at least two hours of direct.

23          THE COURT: All right. And imagine cross would be  
24 lengthy as well, since obviously that is the heart of the case  
25 it seems. The other witnesses, I imagine, will be relatively

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1 short. These seem to be records folks mostly.

2 MS. KASSNER: Yes, Your Honor.

3 I think the other witnesses are probably under an  
4 hour each.

5 THE COURT: Okay. All right. Good.

6 So there's some possibility we'll see that the jury  
7 might get the case by Friday. Obviously, I haven't asked the  
8 Defense yet whether or not Mr. Goklu intends to testify, but I  
9 don't know if there's going to be a defense case, but at any  
10 rate, we're moving at least fairly quickly.

11 MR. SINGER: Judge, I indicated to the Government  
12 the other day that, if there was a defense case, it would be  
13 Mr. Goklu. We do not have any other witnesses that we would  
14 be calling.

15 THE COURT: Okay. All right. Thank you very much.

16 Anything we need to discuss before I let you all go?

17 We will hopefully have a copy of the jury  
18 instructions for you to review by tomorrow. And then, you'll  
19 obviously have half of tomorrow and Wednesday, although not so  
20 much for you Mr. Singer, but to review them and then we can  
21 have a charge conference, may be, Thursday after at the end of  
22 the trial date. Okay.

23 MR. SINGER: That's fine.

24 THE COURT: All right. Thank you, everyone.

25 Have a good holiday. No. I'll see you tomorrow.

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1 MS. KASSNER: Thank you, Judge.

2 MR. NAVARRO: Thank you, Judge.

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5 (Matter adjourned until Tuesday, October 4, 2022, 9:30 a.m.)

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